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# bulletin

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## THE TECHNICAL ASSISTANCE PROGRAM

### A TASK FOR GENERATIONS

#### *Summary of Secretary Acheson's Remarks*

The \$35 million being requested for increased technical assistance for the first year is a modest beginning, Secretary Acheson said on October 29.

In addressing the Eleventh Constitutional Convention of the CIO in Cleveland, Ohio, the Secretary said that the sum is a small fraction of the sums being expended in other necessary foreign aid programs.<sup>1</sup> "Yet because of the nature of the Point Four program," he continued, "this relatively small expenditure can be expected to yield results far out of proportion to its size. It cannot be a larger sum because the number of technical specialists is limited."

Much of our effort during and since the war, the Secretary added, has been spent in meeting attack and fighting through to victory. Now, we can turn with peculiar enthusiasm to a wholly forward-looking and constructive task "in helping hundreds of millions of people who are emerging into nationhood to create a worthy and a free life."

#### **Difficulties Encountered**

Much of the strength and energy of those who want to remain free has been devoted in the past few years to resisting the threat of Soviet imperialism, Secretary Acheson said.

The attempt of the Soviet Union to extend its control over the people of other countries and to interfere with the lives of others is the difficulty that we encounter in our efforts to foster the widest possible opportunities for political, economic, and social development along the lines that the people desire, the Secretary said.

The problems arising from the Soviet imperial-

ism present, he added, "grave dangers to free people," and, in this transition period of history, a large part of the world is in a ferment that is taking place in the most dynamic source of power that we know—the human mind.

The hundreds of millions of people that inhabit large areas with great natural resources are no longer satisfied with the promises of a better life; "they want it here and now," the Secretary stated. The United States welcomes social changes which transfer broad liberties and responsibilities to the people. "In short," the Secretary said, "we are convinced that freedom, self-government, and high standards of living are desirable in other parts of the world as well as in our own country." We wish to contribute our part in realizing those aims, he added.

#### **U.S.-Soviet Programs Contrasted**

In contrasting our economic assistance programs with the Soviet economic programs, the Secretary said, in part:

"The Communists talk of organizing great masses of people in five-year plans to carry out elaborate economic programs. They say this is the way for people to get more of the necessities of life. They promise hungry, distressed people food and material comforts if only they will accept slavery to the state in return. And to people who have always been miserable, who have never known the protection of a Bill of Rights, these spurious promises sound real.

"The alternative that is offered these people through the President's idea is a way to improve their material welfare and at the same time live as free men, retain their personal dignity and independence, and develop to the full extent of their individual capacities. They are offered a way of life that leads not only to freedom from want but also the most priceless freedom—the right to be let alone."

<sup>1</sup> For the complete text of the Secretary's address, see Department of State press release 841 of Oct. 29, 1949.

The Secretary cautioned that, "Freedom and democracy will flourish only if the social, economic and spiritual bases that support the free way of life are strengthened and extended wherever possible."

#### **Practical Problems**

There are some practical problems of the underdeveloped countries which we can help them overcome, the Secretary said, and problems which when resolved will aid in the promotion of democratic principles.

He pointed out as some of the problems the unused resources of two-thirds of the earth's people, agricultural yield, death rate, effects of disease, illiteracy, mechanical energy, and potentials for trade.

In discussing what had already been done in many other countries to meet similar problems, the Secretary cited the effort of the American educators who have helped the authorities in the other American Republics to reorganize local schools as centers of community life; the work of American engineers and technicians in organizing highway systems, protecting other people from the ravages of preventable diseases, producing more food at less cost, showing how food can be stored and marketed, training administrators and technicians, improving labor standards, and increasing production methods and techniques.

Much of the work in these fields will be carried out by the United Nations, its specialized agencies and other international organizations, the Secretary said, and he assured that the United States will participate in these programs and will encourage and assist private agencies to carry out similar programs since the need for technical assistance is so great that supply from present sources cannot meet demand.

#### **Foreign Investments**

Capital investment on a large scale—in addition to technical aid—is needed in the underdeveloped areas, the Secretary said. He commented on the available resources of the Export-Import Bank and the International Bank, but, he added that, "much greater part of the capital for investment must come from private sources, either in the countries to be developed or in countries already largely developed, such as the United States."

To encourage private capital to invest abroad, the Department of State is seeking through treaties

to safeguard the rights of both the American investor and the country in which he invests.

The results achieved by the expansion of the technical assistance program alone, the Secretary said, should encourage American investors in time to venture their capital abroad. He pointed out that there is no direct profit in freeing a country from malaria, in improving the health of masses of people, in teaching millions of people to read and write, or in gradually increasing the production of food crops that are consumed by the people themselves. Those projects will have to be carried out by governments as public services, but these things help create the conditions which make private investors willing to risk their money abroad.

In addition, public loans and investments for roads and harbors, hydroelectric power, communication systems, and the reclamation of land should open new areas to development by private capital, the Secretary said.

#### **Mutual Concern of Labor and Government**

This program of assistance for underdeveloped areas is not, the Secretary concluded, an emergency, short-term one; "we must recognize that we are entering upon a task that will require generations to fulfill the great promise it holds."

In opening his address the Secretary acknowledged the contributions that American labor organizations have made to United States foreign policy. He pointed out the work of the trade unions in war devastated areas, labor's part in the Marshall Plan, and the assistance labor personnel has supplied to the Government.

Although, labor has not always agreed with those in the Government who have had the responsibility of forming our foreign policy, the Secretary said, the very fact that labor has been critical is important.

"This criticism is proof of the complete freedom of American trade unions," he said. "It means that when you do give your support, as you have to our major undertakings in foreign affairs, the influence of this support abroad is all the greater."

The Secretary pointed to the bipartisan policy of the American labor organizations in supporting the new international trade union federation as further evidence of the sound attitude of American labor.



## ENGINEERING IN THE FUTURE

by Samuel P. Hayes, Jr.

The part that this Government hopes the engineering profession will play in the expansion of international technical exchange activities was emphasized by Samuel P. Hayes, Jr., Special Assistant to the Assistant Secretary for Economic Affairs, on November 3.

### Guiding Principles

"The general pattern established for such services through experience in this country should be so far as possible the model for the relationship of government and private engineers and consultants on Point 4 projects abroad," Mr. Hayes told the Construction Division of the American Society of Civil Engineers in New York.<sup>1</sup>

Comments from civil engineers on certain additional guiding principles for the administration of the program, Mr. Hayes said, "will be very seriously considered before our plans crystallize".

These additional principles, he continued, are:

"1. Engineering services on Point 4 projects should be performed at the lowest possible cost consistent with the maintenance of high standards, necessary professional consultation and check, adequate compensation of the individuals and firms employed, and protection of domestic programs and projects.

"2. The constructive role of private engineers and consultants should be demonstrated to foreign governments and business men wherever possible.

"3. The maximum freedom of choice, consistent with sound methods of selection, should be afforded foreign governments and agencies in the selection of engineering and other expert advice, particularly where the foreign agency is establishing long-term arrangements for professional services and is providing the funds for such services."

### Major Activities

Point 4 legislation, Mr. Hayes said, authorizes four major kinds of activity in which engineers would participate.

The first is government missions sent abroad to plan and assist in such projects as water development, transportation, mineral extraction, sanitation and water supply, building construction.

<sup>1</sup> For complete text of Mr. Hayes' address, see Department of State press release 855 of Nov. 3, 1949.

"Such government missions," Mr. Hayes added, "might also help set up or reorganize engineering schools abroad, or foreign government bureaus similar to our own Bureau of Reclamation, Public Roads Administration, and Public Health Service."

The guiding of foreign governments or private foreign companies to the best qualified sources of engineering services in this country is the second kind of activity that the legislation authorizes, Mr. Hayes pointed out.

The third activity was described as the "actual employment of private engineers or engineering concerns, under contract, to carry out specified advisory, teaching or operational functions abroad. Services contracted for and paid for by the U.S. Government would, of course, be limited to those composing integral parts of approved over-all programs of assistance to economic development in particular countries."

Mr. Hayes said that the fourth kind of activity is the training of foreign engineers in this country. He said that "such training might include courses of study in our engineering schools, observation of engineering planning and projects, and actual in-service training in our government bureaus and as internes on the staffs of private engineering firms. Certain instructional and supervisory expenses would be paid by the government in connection with such training."

In commenting on the proper relation of government and private enterprise in the technical assistance field, Mr. Hayes stresses that that problem had been given a good deal of thought.

The success already of leading engineering and construction firms, Mr. Hayes said, indicates that private construction and engineering can take care of itself in the foreign field. It may be, he added, ahead of government on many fronts. This one fact "will prevent any problem of government versus private enterprise in foreign engineering work from arising."

"Every source of qualified personnel will have to be tapped," Mr. Hayes said, because increased demand will come both from additional investments abroad (stimulated by guaranties and commercial treaties) and from requests for technical services and assistance.

Not only will this demand result in a heavy drain on the existing supplies of trained and experienced engineers but it will also force us to train more engineers for service at home and

abroad if "we are to carry through a really effective program of the necessary dimensions and duration," he said.

#### **Government and Private Staffs**

In general, the Government will use its own engineering staffs for reconnaissance surveys where a team of different experts must be readily available for reference and conferences and for engineering work for which private firms and consultants are not available.

Other uses will be made of government personnel, Mr. Hayes added, when the "cooperating foreign government specifically requests advice, consultation, and assistance regarding methods, practices, procedures, and organizations of government agencies for the development of similar activities," such as administrative procedures, organization, personnel policies, legislative and similar policy and administrative problems peculiar to governmental organizations.

Mr. Hayes pointed out that government agencies will also have special engineering facilities or personnel for demonstrations, testing, analysis, or other work found only in government.

Private engineers and engineering firms, generally, will be encouraged to undertake such engineering work, Mr. Hayes concluded, as preparation of construction plans and specifications; supervision of construction and procurement; and other direct and continuing employment by foreign governments and agencies on engineering matters.

#### **THE ROLE OF THE NEAR EAST COLLEGES**

*by Assistant Secretary George C. McGhee*

Education, as a basic requirement of all underdeveloped areas, is the very foundation of the Point 4 program, Assistant Secretary George C. McGhee said on November 1, 1949.<sup>1</sup>

Addressing the Near East Colleges Association on the Point 4 program, Mr. McGhee, before analysing the program and the manner in which it will affect the Near East Colleges, summarized the political situation in the area and listed as

<sup>1</sup> For complete text of Mr. McGhee's address, see Department of State press release 846 of Nov. 1, 1949. Mr. McGhee is Assistant Secretary for Near Eastern, South Asian, and African Affairs.

basic objectives of the program's first year operation: rehabilitation of the peoples of underdeveloped areas, demonstration of improved technology, and training of selected individuals as technicians to carry the work to other countries.

The role of the Near East Colleges will be vital, the Assistant Secretary stated, in forming a major focus for recruitment, by making available faculty members and qualified students, by facilitating local recruitment, and particularly by the expansion of training opportunities which are the backbone of the program.

The Near Eastern states in conversations with the Department of State, Mr. McGhee said, have repeatedly emphasized the need for expanded educational and training facilities, and particularly the expansion of technical training opportunities.

"It will be the task of American educational institutions, both here and abroad," the Assistant Secretary said, "to meet this growing need."

The Near East College Association has already submitted to the Department an analysis of the means by which the colleges could contribute to the Point 4 program.

#### **Major Problems**

Mr. McGhee told the group that three major problems will have to be resolved if the program is to function with maximum effectiveness in the Near East and elsewhere. They are the problems of planning, organization, and personnel.

"The need for planning is obvious if we are to avoid hit-or-miss undertaking of miscellaneous individual projects which do not lead in systematic and rational manner to the basis objectives of Point 4," the Assistant Secretary said.

In the Near East, most of the countries concerned have already undertaken surveys, Mr. McGhee said, which have laid much of the necessary ground work in the program and through which the application of Point 4 can be expected to move forward more rapidly than would otherwise be possible.

The Assistant Secretary recalled the survey made more than five years ago by the Iraqi Government with respect to large-scale flood control projects. The Iraqi Government has made application to the International Bank for a loan to assist in the fulfilment of the project which will later be supplemented by other requests for a comprehensible drainage and irrigation program.

The fact that this project is now under consid-

eration, Mr. McGhee said, is due to the foresight of the Iraqi Government in initiating the basic surveys. Without that start, he added, valuable years would have been lost in the development of Iraq—"a country with great capacity for development."

Further development of these basic surveys is now being carried forward by the United Nations Economic Survey Mission.

The second major problem confronting the successful operation of Point 4, the Assistant Secretary said, is the problem of organization.

"We are confronted with the very complex task of achieving effective coordination of resources and experience already available, governmental and private, national and international," Mr. McGhee said.

"In this cooperative enterprise, we recognize that the United States has no monopoly on technological or administrative skills or on exportable capital. It is contemplated that all nations desiring to pool their resources to this common end will work together through the United Nations and its specialized agencies such as the WHO and the Fao, both of which have important programs already under way in the Near East.

"In general, the United Nations and other international agencies will be encouraged to utilize funds available under Point 4 to carry out those aspects of the program which can be conducted effectively on an international basis. In other cases, bilateral arrangements will be made between the United States—or another contracting government—and the country concerned, or, in certain cases, multilateral arrangements will be negotiated."

The third major problem is that of recruiting suitable personnel to carry out the program, the Assistant Secretary said.

"We have, of course," Mr. McGhee stated, "the experience of many projects of technical cooperation conducted in the Western Hemisphere, in Greece and Turkey, and elsewhere under the European Recovery Program. Some personnel can probably be drawn from such organizations, and from the specialized organs of the United Nations, as a nucleus for the program. However, large numbers of new specialists and technicians must be drawn from private life to go into the field, and local talents and skills must be mobilized in the countries concerned."

#### Work of Survey Mission

The Assistant Secretary expressed the view that "great hope" is held that the Point 4 program can be accelerated in the Near East as a result of the activities of the Economic Survey Mission. The mission was recently established by the Conciliation Commission for Palestine. This technical mission consists of a staff of experts, recruited from the United States, the United Kingdom, France, Turkey, Canada, the Union of South Africa, New Zealand, and other countries. It comprises specialists on refugees, engineers, experts in reclamation and soil conservation, in public health and social welfare. It consists also of representatives of the International Bank for Reconstruction and Development, the World Health Organization, and other international agencies.

Under its terms of reference, the survey mission is charged with recommending measures which will enable the Near Eastern governments to overcome economic dislocation created by the Palestine hostilities; means of reintegrating the refugees from the hostilities into the economic life of the area; and means of creating economic conditions conducive to the maintenance of peace and stability.

"There is no conflict between the program and Point 4," the Assistant Secretary said. "The program which will be formulated by the survey mission is of a short-term nature, designed in large measure to overcome economic dislocations and to contribute to economic recovery and stabilization, while Point 4's emphasis is on a longer term basis. The two programs will serve to complement and reinforce one another."

Mr. McGhee pointed out that specific application of Point 4 to the Near East requires detailed planning in the light of the peculiar problems of the area. Plans for the kinds of assistance that are likely to be needed in specific areas have been worked out tentatively by the Department of State, in collaboration with other agencies of the Government and with the United Nations, he said.

"However," the Assistant Secretary added, "until Congressional action on the technical assistance program has been finalized and until other governments have expressed their own needs and desires for assistance, it is not possible to present any definitive budgets or plans for specific countries."

The definition of such plans also depends upon the negotiation of agreements covering each project with the government concerned and a determination of the nature and extent of its own contribution to the project, he concluded.



## FREEDOM OF THE PRESS—AN INTERNATIONAL ISSUE

### The U.N. Debate on the Convention on the International Transmission of the News and the Right of Correction

*by Samuel DePalma*

Freedom of expression is never secure. Its attainment has always been marked by sharp conflicts of interests, and its maintenance requires a continuous balancing of seemingly conflicting interests. The remarkable advance made in recent years in the facilities for mass communications has made the balance more precarious—and more necessary. In the face of a world-wide trend toward increasing governmental limitations over this freedom, the United Nations has devoted many meetings over the past 2 years to the task of promoting wider international recognition of and respect for freedom of information.

The Convention on the International Transmission of News and the Right of Correction adopted May 13, 1949, by the General Assembly of the United Nations by a vote of 33 to 6 (the U.S.S.R. group of states), with 13 abstentions is the first multilateral attempt to promote by formal agreement the free international flow of news. It is not yet open for signature pending a decision by the General Assembly concerning the disposition of another proposed convention, the draft convention on freedom of information.

As adopted, the Convention constitutes an amalgamation of two draft conventions sponsored initially by the United States and French delegations respectively at the United Nations Conference on Freedom of Information, held at Geneva, during March–April 1948.<sup>1</sup> The United States draft,

then entitled draft convention on the gathering and international transmission of news, now forms the first part of the Convention, while the French draft, originally entitled draft convention concerning the institution of an international right of correction, forms the second part.

The first part sets forth certain basic guaranties for information agencies and correspondents of contracting states. It requires such states to expedite, in a manner consistent with their immigration laws, the administrative procedures for the entry, residence, travel, and egress of correspondents. It protects correspondents against expulsion because of what they may have reported and facilitates their access to sources of news. Most important, it provides that the only permissible ground for censorship on news material leaving the territory of a state is that based on laws "relating directly to national defense."

The second part provides that a contracting state which alleges that "a news despatch capable of injuring its relations with other States or its national prestige or dignity . . . is false or distorted . . ." may submit its version of the facts to other states in which the report was published. It must be established that the report objected to was received from abroad. Each state receiving such a version of facts is obliged to make it available to its domestic information agencies but is not in any way obliged to enforce its publication. If the state receiving the correction fails to fulfill this obligation within 5 days, the state issuing the

<sup>1</sup> See the "Final Act, United Nations Conference on Freedom of Information", U.N. doc. E/CONF. 6/79, Apr. 22, 1948, and Department of State publication 3150.



correction may request the Secretary-General of the United Nations to give its version of the facts "appropriate publicity through the information channels at his disposal . . ."

#### GENESIS OF THE UNITED STATES PROPOSAL

The suggestion that an attempt be made by treaty to promote a freer international flow of news originated with the American press itself, and the first draft of such a treaty was actually prepared on a wholly unofficial basis by representatives of the press. The Department of State then assumed the task of negotiating the agreement internationally in consultation with other Federal agencies and with the constant collaboration of representatives of the press, radio, and motion picture industries.

Chief credit for the promotion of intergovernmental agreements to reduce the barriers to the free international flow of news is due Kent Cooper, executive director and general manager of the Associated Press. Mr. Cooper's campaign for world freedom of information dating from the end of World War I culminated in the adoption by the House and Senate on September 21, 1944, of the following resolution:

*Resolved by the Senate (the House of Representatives Concurring), that the Congress of the United States expresses its belief in the world-wide right of interchange of news by news-gathering and distributing agencies, whether individual or associate, by any means, without discrimination as to sources, distribution, rates, or charges; and that this right should be protected by international compact.<sup>2</sup>*

At its Twenty-second Annual Convention in April 1944 the American Society of Newspaper Editors had already adopted the following resolution:

*Resolved, That the American Society of Newspaper Editors strongly urges international agreements permitting direct communication between each and every nation of the world wherever feasible; eliminating conventions and customs which prevent utilization of any advance in the science of communications; removing all restrictions imposed for the commercial or political advantage of any nation or group of nations, giving to the press correspondents of all nations equitable access to the available communications facilities, and making dominant in all communications matters the principle of fostering an*

unrestricted flow of news and information to all parts of the world.

*Resolved, That the Committee on Communications authorized by the Society, by and with the advice and approval of the directors, be authorized to participate in conferences with other organizations and agencies to implement this resolution.*

Welcoming this initiative, William Benton, then Assistant Secretary for Public Affairs, late in 1946 asked Richard J. Finnegan, publisher of the *Chicago Times*, to undertake on a wholly unofficial basis the task of consulting with his colleagues in the press, radio, and motion picture industries with a view to making some concrete suggestions on how the United States might best promote the freer world circulation of news. The suggestion was accepted and Mr. Finnegan, with the assistance of Warren Pierce of the *Chicago Times* staff, proceeded to consult some 75 leaders in these industries. On the basis of these consultations Mr. Finnegan prepared a draft of a proposed treaty, which was circulated for comment to 4,000 persons and organizations. The hundreds of replies received were then utilized in preparing the final "Draft of a Treaty on Freedom of Information" (annex A) which Mr. Finnegan submitted to Mr. Benton on July 22, 1947.<sup>3</sup>

In his letter of transmittal to Mr. Benton accompanying the proposed treaty, Mr. Finnegan said:

I consented to undertake the chore because for many years newspaper men had been hoping that Congress and the State Department would get busy and do something on the subject. There had been a lot of discussion but no action.

The sentiment for action is stronger now than ever. Leaders in the newspaper and other media feel that this is one of those important subjects that is so much above party and personality differences that it should attract prompt, unanimous and lasting attention in both Houses, as well as in the State Department.

It will be impossible to get all the elements of private industry to agree on the wording of such a document. We think we have covered the principles on which all agree.

The principles are such as could be used within the United Nations or a multilateral convention of nations or

<sup>2</sup> Others who contributed substantially to the final draft were Dr. Quincy Wright, professor of international law, University of Chicago, John O. Levinson, member of the Chicago Bar, and Dr. Frederick S. Siebert, head of the School of Journalism, University of Illinois.

EDITOR'S NOTE: The annexes to this article will be printed when this article is reprinted as a separate publication at an early date.

<sup>2</sup> S. Con. Res. 53, by Senator Tom Connally.

for a bilateral agreement. Right now it is felt that a start should be made with a bilateral treaty. . . .

We wish to impress upon you that there is unanimity among the communication media of the United States that we should enter into no treaty with any country on any terms that shrink American practice one jot. We cannot abridge freedom of the press under our Constitution; we should not do it under a treaty . . .<sup>4</sup>

#### REVISION OF THE DRAFT TREATY BY THE DEPARTMENT OF STATE

The "Draft of a Treaty on Freedom of Information" was next examined by a committee of the Department of State, under the direction of Lloyd A. Free, then Special Assistant to the Assistant Secretary for Public Affairs, as part of the Department's preparations for the coming United Nations Conference on Freedom of Information. The Department decided that at least initially the multilateral approach should be given priority over the bilateral approach in view of the opportunity afforded for multilateral negotiations by the Conference and in keeping with United States policy to support and work through the United Nations to the maximum extent possible.

In the course of the Department's study of the draft, and after consultation with such other Federal agencies as the Department of Justice, the Department of Labor, the Federal Security Agency, the Federal Communications Commission, and the Department of National Defense, the treaty was modified in several respects (see annex B for Department's text).

Among the modifications made were:

*Article 1.*—In order to limit the scope of the convention to a homogeneous group of subjects, the Department of State omitted general magazine and book publishing companies, as well as film organizations other than newsreel companies, from the definition of "Information Agency." By confining the agreement to news materials, it was possible to avoid most of the commercial and cultural problems associated with information materials of a more general nature. More important, it was felt that a text covering information agencies other

than those engaged purely in reporting news would not be acceptable to a majority of governments at this time.

*Article 2.*—Whereas the Finnegan draft provided that "Correspondents . . . shall have free ingress to and egress from the territories of the other . . ." The Department's revision, however, took into account the fact that few, if any, states appeared ready to make such an exception to their immigration laws and provided instead that ". . . States shall facilitate the entry into and exit from their territories of foreign correspondents and their professional equipment in a manner consistent with their respective laws and procedures, and shall impose no special or unusual restrictions on such ingress or egress, nor upon the transit through or residence in their territories of such correspondents."

*Article 4.*—This article, intended to restrict the censorship of outgoing news, was strengthened and broadened somewhat in the Department's draft (article 5) by providing that the outgoing copy of correspondents should be permitted egress ". . . without censorship, editing or delay . . .", instead of prohibiting only ". . . censorship, deletion or editing . . ." as provided in the Finnegan draft. The Department also added a proviso to the effect that certified correspondents should be informed of such censorship regulations as may be in force.

*Articles 8 and 9.*—In articles 8 and 9 of the Finnegan draft provision was made for implementation, or enforcement, machinery in two stages: (1) A fact-finding "International Information Commission" composed of representatives of information agencies and empowered to hear evidence from any correspondent or information agency alleging an injury from violation of the treaty and to publish a report of its findings and majority opinion; and (2) Compulsory jurisdiction of the International Court of Justice for all disputes concerning the interpretation of the treaty not settled by negotiation, following the issuance of the Commission's report.

The Department's draft omitted these provisions largely because of uncertainty as to whether disputes arising from this treaty, likely in most cases to be *de facto* rather than *de jure* in nature, were suitable for reference to the Court. It was felt that a fact-finding procedure along the lines of the Commission mentioned might be more appropriate

<sup>4</sup>The draft treaty, together with Mr. Finnegan's letter of transmittal, was released for publication by the Department on Sept. 5, 1947; BULLETIN of Sept. 14, 1947, p. 527.

by itself; in the end, it was decided to await the suggestions of other governments at the coming conference.

*New Department Articles.*—Among the more significant of the new articles in the Department's draft, in addition to the so-called "formal articles" common to most international agreements, were (1) a provision exempting from the application of the agreement those correspondents who, while not otherwise admissible into the territory of a state under its immigration laws, are nevertheless admitted conditionally pursuant to an agreement with the United Nations in order to cover the proceedings of that organization (article 10); and (2) a provision recognizing that this treaty would not exempt correspondents from laws for the protection of national security (article 11).

Also added was an article providing for a right of international correction (article 8) under which a state alleging that a correspondent in its territory had transmitted a false or distorted report likely to injure its international relations could submit its version of the facts to the government within whose territory the report had been published. The government receiving such a correction would be obliged to make it available to its domestic information agencies. No compulsory publication was involved. This article was added in the certain knowledge that some such proposal was bound to carry at the Geneva conference, since many governments were expected to demand some form of "protection" in return for the guaranties they were requested to extend to foreign news personnel.

The Department's revision, in brief, retained the substance of the Finnegan draft and added the minimum governmental safeguards which virtually all states were expected to demand at the forthcoming conference.

That the revision conformed with the views of American news personnel was demonstrated when, during its briefing sessions in preparation for the Conference on Freedom of Information, the United States delegation to the Conference unanimously endorsed the revised text with only a few minor language changes.<sup>5</sup>

<sup>5</sup> The U.S. delegation to the U.N. Conference on Freedom of Information included the following: William Benton, former Assistant Secretary, Chairman; Sevellan

## UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

The United Nations Conference on Freedom of Information, which opened at Geneva, March 23 and lasted through April 21, 1948, was successful beyond expectation. Convinced by the intransigence of the Soviet delegations that Communist states would not (and indeed could not) compromise in the direction of greater freedom of information, the great majority of delegations stood united against the proponents of dangerous "compromises" on basic principles.

The Conference's major achievement was the drafting of three proposed conventions: (1) the draft convention on the gathering and international transmission of news, proposed by the United States; (2) the draft convention concerning the institution of an international right of correction, sponsored by France and intended to establish a procedure under which governments may obtain publicity for official corrections of allegedly false news reports which affect their international relations; and (3) the draft convention on freedom of information, submitted by the United Kingdom and intended to provide a guaranty to all the nationals of contracting states of freedom of expression as well as freedom to seek and receive information from all sources. The Conference also adopted over 40 resolutions concerning freedom of information and provided an unusual opportunity for clarifying some of the propaganda issues which becloud East-West relations.<sup>6</sup>

In this propitious atmosphere the United States draft convention fared unexpectedly well (see annex C for Conference text). Substantive modi-

Brown, Editor and Publisher, *Providence Journal*; Erwin D. Canham, editor, *Christian Science Monitor*; Zechariah Chafee, Jr., Harvard Law School; Harry Martin, president, American Newspaper Guild; Walter A. Graebner, European director, *Time-Life International*; Oveta Culp Hobby, executive vice president, *Houston Post*; Frank McCarthy, Manager, Motion Picture Association of America; Howard K. Smith, chief European correspondent, Columbia Broadcasting Company; and John Carter Vincent, American Minister to Switzerland. During the Conference Hugh Baillie, president of the United Press Association, served as an unofficial consultant to the delegation.

<sup>6</sup> See "Report of the United States Delegates, United Nations Conference on Freedom of Information," Department of State publication 3150.



fications made at the Conference were limited to the following:

*Article 4* (article 3 in the Conference text)—The United States draft provided that "The Contracting States shall not deny foreign correspondents access to all places and news sources under the same conditions as the most favored foreign correspondents or the correspondents of the most favored nation." The Conference strengthened this provision by modifying it to read "The Contracting States shall permit and encourage the widest possible access to news official and non-official, for all foreign correspondents on the same basis as for national correspondents and shall not discriminate among foreign correspondents as regards such access."

*Article 5* (article 4 in the Conference draft)—The anticensorship article was also strengthened by the addition of a specific procedure with regard to the time limit allowed censors, the cable charges to be levied on censored dispatches, etc. in cases where states were compelled to resort to peacetime censorship for the protection of national military security.

*Article 15* (article 14 in the Conference text)—Among the formal articles which the Department had added to the Finnegan draft was a provision for extending the Convention to non-self-governing territories, where foreign correspondents have from time to time encountered serious obstacles. Drawn up after long and careful study, this article was deliberately framed in compromise terms. Although in accordance with United States practice the Department would have preferred to provide for the application of the Convention to all the non-self-governing territories of each metropolitan state adhering to the agreement, the proposed draft took into account the fact that such colonial powers as the United Kingdom, France, the Netherlands, and Belgium would be unable to accept such a provision. Because the colonial territories of these states enjoy varying degrees of self-government, in some cases their prior consent is required before they can be bound by an international obligation undertaken by the metropolitan state.

At the Conference, the United States proposal was subjected to a veritable crossfire of criticism. The metropolitan states found it unacceptable stating that, although it took into account the

status of fully self-governing territories, it evaded the problem of partly self-governing territories, i.e. self-governing in respect of some of the matters covered by the Convention (such as entry, censorship, etc.). On the other hand, a large number of representatives of the traditionally "anti-colonial" states (for example, India, most of the Middle East, and most of Latin America) felt that the United States proposal provided too many loopholes for colonial powers. Finally, the U.S.S.R. group of states seized this opportunity to embarrass the colonial powers and, ignoring all constitutional considerations, demanded automatic application of the agreement to territories, not only without their prior consent, but presumably even against their will!

The compromise which was finally evolved by the United States delegation and narrowly adopted by the Conference (after the rejection by a one vote majority of a fully automatic formula sponsored by Poland) obliged the Contracting State to "seek immediately the consent of all such territories," but provided that "A State party to the present Convention may at the time of its accession thereto or at any time thereafter . . . declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible . . ."

*New Article.*—The Conference also made a useful addition in the form of an article to protect correspondents against arbitrary expulsion. A provision of this nature had been omitted from the United States draft (as well as in the basic Finnegan draft) because of doubt as to the utility of such a provision when coupled, as it would necessarily have to be, with a parallel statement of the state's ultimate authority to limit the stay of any resident alien. However, the Conference formula (submitted by the delegation of the United Kingdom) appeared to avoid this difficulty in large part by stating that:

The Contracting States, while recognizing that foreign correspondents must conform to the laws in force in the countries in which they are operating, agree that foreign correspondents legally admitted into their territories shall not be expelled on account of any lawful exercise of their right to seek, receive or impart information or opinion (article 5).

Thus revised, the United States draft convention was adopted by a vote of 28 in favor, 6 against



(the Soviet bloc), and 2 abstentions. That a conference of over 50 nations could agree so closely with the views of the United States encouraged the United States delegation to believe they had given expression to a strong belief in the necessity and desirability of reducing the many national barriers to the free flow of news.

Yet, in partial explanation of the difficulties encountered in the subsequent consideration of this convention by the Economic and Social Council and the General Assembly of the United Nations, it is important to note the rather unusual circumstances which contributed to this success. First, and perhaps foremost, was the sense of unity among a large majority of the delegations which saw in this Conference an opportunity to check Soviet propaganda claims. Moreover, the Communist coup in Czechoslovakia, which had occurred only 6 weeks before, provided a fresh example of the destruction of the free press by a Communist government. Then too, a majority of the delegates were representatives of press, radio, and film organizations and shared a certain professional point of view, sometimes at variance with the official position of their governments. Finally, this convention was one of three drafted at the Conference. The other two tended more nearly to reflect a governmental (as distinct from a professional) point of view and were, in the opinion of some delegations, to be considered as complementary to the first convention.

The second draft considered was a French proposal for the institution of an international right of official correction. As first presented this proposal dealt not only with a right of correction, but also with the establishment of an "international information council" and the creation of an "international press card." The latter two subjects were quickly withdrawn in the face of considerable opposition, and the remainder of the French proposal was revised considerably and limited somewhat in scope before it was resubmitted by the French.<sup>7</sup>

In its revised form the French proposal would have provided a "right of correction . . . to every Government of a State signatory . . . which regards as false or distorted and likely to interfere with international understanding a report published by a news enterprise of another country . . . when that report contains facts concerning

the functions or activities either of the said government or of government officials or of persons holding a public office or of a public authority in the countries where the said government exercises its authority.

The Government concerned shall transmit to the Contracting State in whose territory the report was published by one or more newspapers or periodicals, or by a radio broadcast, a communiqué giving the version of the facts which it affirms to be correct (article 1).

A communiqué may only be issued in respect of reports which consist strictly of information [i.e. excluding opinion] . . . (article 2).

Article 3 provided that a state receiving such a communiqué would be obliged to make it "available to the news enterprises functioning on the territory where it exercises its authority . . . and provide facilities for its dissemination by the normal means and in accordance with the procedure customary for the publication of reports on international affairs." Each state could fulfill its obligation on the basis of reciprocity.

Article 4 further provided that if the state receiving a communiqué failed within five days to fulfill its obligation, "the Government exercising the right of correction may submit the said communiqué to the Secretary-General of the United Nations who shall . . . give it all necessary publicity."

The United States delegation, which had already submitted as a counterproposal the original article 8 on the right of correction from the draft convention on the gathering and international transmission of news, now resubmitted its proposal in the form of amendments to the French draft. These amendments had the following main objectives: (1) To limit the scope and sharpen the provisions of the French proposal in order to minimize the possibility of its being turned into an endless and self-defeating propaganda mill; and (2) To bring it into greater conformity with the United States-sponsored convention as to subject matter in order to make it possible to amalgamate the two and thus to satisfy the rather large group of delegations which had criticized the United States proposal on the ground that it granted "privileges" to correspondents but did not afford adequate "protection" to governments.

Thus the United States amendments limited the exercise of the right of correction to reports transmitted by foreign correspondents from within the

<sup>7</sup> See U.N. doc. E/CONF.6/C.1/32, Apr. 10, 1948.

territory of the complaining state, rather than permitting such a state to present a communiqué concerning any report of domestic origin which had appeared in the domestic press, or in respect of reports transmitted from a country other than the one issuing the communiqué. These amendments avoided the distinction made in the French proposal between reports containing only factual information and those containing opinion, on the ground that often it would be impossible to distinguish conclusively between the two and the end result would only be to introduce another source of dispute. Finally, the amendments clarified the obligation assumed by the state receiving a communiqué by providing that it "should facilitate its dissemination through the customary channels in accordance with its usual procedure for releasing news concerning international affairs." Other amendments, mainly of a drafting nature, were submitted by other delegations.

The draft convention concerning the institution of an international right of correction as finally adopted by a vote of 33 to 7 incorporated the United States amendments, with one exception: Because the Conference was convinced that a foreign correspondent can easily arrange to have a particular dispatch filed from a country other than the one in which he is stationed, it rejected the United States proposal to limit the exercise of the right of correction to reports transmitted by a correspondent from the territory of the contracting state wishing to issue a communiqué. In the end, moreover, the French draft was not merged with the draft on the gathering and international transmission of news because the French delegation declined to authorize the merger.

In its report, the United States delegation to the Conference said of this draft convention:

No power to compel publication is contemplated at either the national or international level. The United States Delegates look upon this convention as a legitimate attempt to provide a remedy for false or distorted reporting, thoroughly consistent, with the principles of freedom of information. . . .<sup>9</sup>

As its final action, the Conference on Freedom of Information requested all governments which had been invited to participate to forward their comments on the proposed draft conventions to the Secretary-General of the United Nations and asked the Economic and Social Council of the United Nations to examine the conventions in the light of

<sup>9</sup> *Ante* p. 10.

such comments and thereafter to submit them to the General Assembly.<sup>9</sup>

#### **ECONOMIC AND SOCIAL COUNCIL SEVENTH SESSION**

When the Economic and Social Council met in July 1948 for its seventh session, it had before it a number of comments from governments.<sup>10</sup> In an effort to expedite the Council's consideration of the three Conventions, the delegations of the United Kingdom, France, and the United States, as original sponsors of the drafts, conferred informally and, taking into account such comments of other governments as conformed with their views, prepared a proposal for a revision of the draft conventions on the gathering and international transmission of news<sup>11</sup> and the institution of an international right of correction.<sup>12</sup> Lack of time prevented consultation concerning the third Convention on Freedom of Information. The Ecosoc referred the draft conventions to its Committee on Human Rights, a committee of the whole.

The tripartite proposal for a revision of the newsgathering convention embodied relatively few significant modifications of substance in the Conference text. Two verbal changes, important because of the lengthy debate to which they later gave rise in the General Assembly, applied to the entire text: (1) Several governments had asserted that the Conference definition of a "foreign correspondent" as "an individual employed by an information agency, or a national of a Contracting State, who in either case is regularly engaged in the collection and reporting of news (including opinion) to the general public, and who is a holder of a valid passport identifying him as a correspondent . . ." was defective since in their usage the term "foreign correspondent" applied to any correspondent engaged in covering foreign affairs whether or not he was stationed abroad and, it was not clear why an identifying passport was

<sup>9</sup> See Res. No. 43, "Final Act United Nations Conference on Freedom of Information", U.N. doc. E/CONF.6/79, Apr. 22, 1948.

<sup>10</sup> For comments, see U.N. doc. E/856, July 21, 1948, and addenda thereto.

<sup>11</sup> See U.N. doc. E/AC.27/W.21, Aug. 5, 1948.

<sup>12</sup> See U.N. doc. E/AC.27/W.22, Aug. 6, 1948.

required when a correspondent was not stationed abroad. Accordingly, the word "foreign" was omitted in the tripartite text and it was specified that a correspondent required the identifying passport when he was outside his state. (2) In order to make more explicit the fact that the convention was intended to confer benefits only on correspondents and information agencies of contracting states, the tripartite text added the qualification "of a Contracting State" after the words "correspondent" and "information agency" throughout the text.

It was suggested that article 3, providing for access to news, be modified in the light of comments received by deleting the ambiguous phrase "the widest possible" before "access" and by qualifying the proposed national treatment to be accorded to correspondents of other contracting states to read "so far as possible on the same basis as for its own correspondents . . . ." It was felt that, although foreign correspondents should in general have equal access to official and nonofficial sources of news, some provision was needed to permit governments in exceptional cases to hold background press conferences or otherwise to provide access to official sources of news only for national correspondents.

Article 10, reserving to contracting states the right to make and enforce laws "for the protection of national security," was found to be in conflict with article 4, which limited censorship on outgoing news to matters relating directly to "national military security," since article 10 might be interpreted as overriding article 4. It was therefore proposed to add a proviso reading "provided that any laws and regulations relating directly to the maintenance of national military security shall conform with the provisions of article 4." The United States delegation was not satisfied with this text and reserved its right to propose a less ambiguous one when the article came up for discussion. The United Kingdom delegation reserved its right to propose two additions to this article: a clause providing for derogation from the convention in time of war or other public emergency and a provision for the compulsory jurisdiction in the International Court of Justice to settle disputes arising under the convention.

Hard pressed by a crowded agenda, the Committee was further hampered in its consideration of the conventions by a running filibuster on the

part of the Soviet representative (Mr. Pavlov), with some help from his Polish colleague, and barely managed a rather hasty revision of the newsgathering convention before the end of the session. The other two conventions were not considered at all. Having no time to consider the proposed revision of its Committee, the Ecosoc decided to refer it to the General Assembly without endorsement along with the Conference text and the remaining proposals of the Conference.

The proposed revision constituted a serious departure from the Conference text, embodying several restrictive provisions which had been suggested in the comments of governments. Space limitations preclude even a brief mention of the numerous restrictive proposals which were rejected by the Committee (some of which were revived later in the General Assembly and are described later), but a summary of those which were adopted suffices to indicate the prevailing mood in the Council's Committee.

Perhaps the most damaging change was made in article 4, greatly widening the scope of permissible censorship of outgoing dispatches. Whereas the Conference text permitted censorship only in accordance with laws "relating directly to the maintenance of national military security," the Committee (by a narrow vote of 8 to 7, with 3 abstentions) decided to omit the limiting word "military." The sweeping range of "national security," of course, includes not merely matters directly relating to national defense but also any economic or political information which a government having wide powers in this field might regard as prejudicial to the security of the state (in practice, sometimes interchangeable with "security of the administration").

The changes made in article 10, the article reserving state powers, were almost as serious. To the Conference text which, it will be recalled, referred only to the power of a state to apply its laws and regulations "for the protection of national security" to correspondents despite any provision of the Convention, the Committee added "public order." To insure governments against having even to consider granting any benefits to certain correspondents, a provision was added to article 10 enabling a contracting state to "refuse entry into its territory to any particular person [and] . . . to restrict the period of his residence therein, provided any such restriction [i.e. as to residence] does not conflict with the provisions of



Article 5" [which protects a correspondent against expulsion].

A new article (article 11) was added recognizing the power of a contracting state to take measures derogating from its obligations under the convention "in time of war or other public emergency." The colonial article (article 14 in the Conference text; article 15 in the revised Committee text) was also weakened slightly by the inclusion of an ambiguous qualification which would enable metropolitan states to take into account "the position of each territory and particularly . . . the constitutional practices applicable thereto."

The agreed revisions suggested in the tripartite proposal were also adopted. The Committee, faced with a choice between the compulsory jurisdiction of the International Court of Justice and a United States-French proposal for a fact-finding committee, was unable to reach a decision concerning implementation machinery and decided to refer this issue to the General Assembly without any recommendation.

The explanation for this restrictive tack is not difficult to find. Up to this point the impetus for the promotion of greater freedom to report news had come largely from the professional newsmen themselves. Now the wind had shifted and governments were intervening to safeguard what they regarded as essential governmental authority. Contributing factors were the haste with which the Committee had had to conduct its work and the fact that, as compared with the Geneva conference, the Ecosoc delegations were not so well informed on technical matters and did not have the benefit of much professional advice.

#### **GENERAL ASSEMBLY, SECOND PART OF THE THIRD SESSION**

The United Nations General Assembly, meeting at Lake Success for the second part of its third session, April 5 to May 18, 1949, assigned the task of considering the proposals of the Conference on Freedom of Information to its Third Committee, the Committee on Social, Humanitarian, and Cultural Matters. There in the course of a debate lasting for weeks nearly every one of the 58 delegations took the opportunity to present its views. The draft conventions on newsgathering and the right of correction (particularly the former) were

subjected to a sentence by sentence analysis and were voted upon an article at a time.

Representing the United States in the Third Committee were Mrs. Franklin D. Roosevelt and Erwin D. Canham, editor of *The Christian Science Monitor*; Mr. Canham took the chair at most of the meetings.

Under the instructions from the Department of State, the United States delegation had one paramount objective as regards the newsgathering convention, namely to reestablish the principle approved by the Geneva conference that the sole permissible ground for peace-time censorship of news material leaving the territory of a Contracting State is that provided by laws relating directly to national military security. If it failed to obtain agreement on this point, the delegation was instructed not to support the convention. Other important modifications in the Ecosoc text sought by the United States were (1) a more forthright colonial article; (2) provision for a fact-finding committee to report on disputes arising under the agreement; (3) the deletion of the paragraph of article 9 which authorized a state to deny entry to any particular person or, failing this, the addition of a clause making such a denial permissible only if based on grounds other than that the person is a correspondent.

The Committee dealt first with the newsgathering convention and next with the proposed right of reply text. The Committee decided to use the Ecosoc text as a basis for its discussion, since it was felt to incorporate the latest views of governments. The debate centered largely around seven or eight key issues—most of them carried over from previous discussions at the Conference and at the Ecosoc, and now debated *de integro*!

#### **What Kind of Information?**

Broadest in scope was the issue of the kind of "information" which the convention is intended to encompass. This question was posed in sharpest terms by a series of amendments proposed by the Polish delegation, which had apparently been designated chief "Soviet" spokesman on this topic at the Assembly. Two of these proposals are particularly expressive of the Soviet concept of freedom of information as it has lately emerged in United Nations debates scrubbed and disarmingly disguised for non-Soviet consumption. One



would have qualified the definition of news material in article 1 by adding—

and which is neither designed nor likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and that is not intended as a dissemination of false or distorted reports likely to injure friendly relations between states.<sup>13</sup>

The other, proposed as a substitute for article 3, concerning access to news sources, read:

The Contracting States shall, in the interests [sic] of the dissemination of conscientious information, grant to telegraphic news agencies, radio companies and newspapers, the right of wide access to sources of news and to facilities for communication both on their own territory and in other countries, within the limits compatible with the interests of national security.

They shall also elaborate necessary measures for ensuring the widest possible dissemination of really conscientious and objective information.<sup>14</sup>

Based on the Soviet thesis that the convention should be designed to promote the circulation not of all news, but only of "trustful" or "objective" information which does not injure friendly relations between states, these amendments would obviously have permitted a contracting state to exclude from the application of the convention any material which in its view was considered to be false or distorted, of a "war-mongering" character or otherwise prejudicial to its relations with other states.

The first amendment is part of the continuing Soviet propaganda drive, first announced by Mr. Vyshinsky at the General Assembly's second session, to confuse world opinion by labeling the United States press in particular and that of several other Western states in general as desirous of inciting a war against the Soviet Union. The second amendment, first rejected by the Economic and Social Council at its seventh session (where it was offered by the U.S.S.R. representative) is actually a paraphrase of article 125 of the Constitution of the Union of Soviet Socialist Republics, which guarantees "freedom of speech" and "freedom of the press" to the citizens of the U.S.S.R., but makes the exercise of these rights explicitly contingent upon "conformity with the interests of the working people, and in order to strengthen the socialist system . . .".<sup>15</sup> Implied in the Polish proposal are governmental powers to insure conformity with "the interests of the dissemination

of conscientious information" equivalent to the U.S.S.R.'s press review and censoring activities.

These proposals met an early end when rejected by overwhelming votes (only the Soviet states voting in favor with a number of delegations abstaining), but their ghosts were to reappear in proposals, undoubtedly differently motivated, offered by other delegations.

#### **Should Correspondents Be Compelled To Distribute Official Corrections?**

Many delegations insisted that, as a protection against irresponsible reporting, the convention should contain a provision compelling correspondents accused of having transmitted erroneous reports to distribute corrections issued by the government concerned. Supporting this view, several representatives of the Arab States bitterly criticized the "pro-Zionist falsehoods" of the United States press, while a number of Latin American delegations spoke of a need to correct "continuing distortions" about their countries, and India pointed to "gross misrepresentations" of her religious customs.

The Mexican delegation gave concrete expression to these views by proposing a new article which, after extensive amendment in the course of debate, read as follows:

The Contracting States agree to take measures to ensure that their information agencies and correspondents distribute through their customary channels any communiqué in respect of dispatches for which they were originally responsible, remitted to them by the Contracting State directly concerned and in whose territory the news dispatch requiring correction originated.<sup>16</sup>

Defending his proposal, the Mexican delegate, Mr. Noriega, explained that as now worded it did

<sup>13</sup> As printed in the "Constitution of the Union of Soviet Socialist Republics", published by the American Russian Institute, article 125 reads:

In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

- a) freedom of speech;
- b) freedom of the press;
- c) freedom of assembly, including the holding of mass meetings;
- d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

<sup>16</sup> See U.N. doc. A/C.3/470/rev. 1.

<sup>13</sup> See U.N. doc. A/C.3/416, Apr. 7, 1949.

<sup>14</sup> See U.N. doc. A/C.3/433, Apr. 11, 1949.

not compel publication but merely distribution of corrections. This article, he said, was necessary to enable the people as well as large information agencies to enjoy the benefits of freedom of information, and to enable governments to counteract reports prejudicial to the honor or national prestige of states or to their international relations. In reply to those representatives who had stated that their governments had no authority to enforce such a provision, he stated that they could acquire such authority by accepting the convention and that only if they did would the convention be acceptable to a number of the smaller nations.<sup>17</sup>

The proposal was strongly attacked by the United Kingdom, Netherlands, Belgian, Norwegian, Swedish, Canadian, and other delegations. After pointing out that this proposal, by making the convention unacceptable to a number of states, would nullify even the much more limited and carefully drawn right of official correction which was already before the Committee in the form of the French proposal, Mrs. Roosevelt stated the United States position as follows:

The provisions we have already adopted limit the right of correction to cases of false or distorted reports which are likely to injure friendly relations between States or national prestige and dignity. The Mexican proposal is not so limited. Under it a Contracting State could demand that correspondents and information agencies accept and distribute any corrections handed to them by any signatory government. There is no provision that the original report must be false or distorted; it is not required that the report be one capable of injuring international relations or even national prestige and dignity. By its very wording, it requires that information agencies and correspondents accept and distribute any and all corrections requested by the State in which the report originated under any and all circumstances. . . .

In the view of the United States, the Mexican proposal is not only undesirable but unacceptable. My Government under its Constitution would have no power to compel American correspondents or information agencies to accept or observe the obligations involved. We cannot agree to compel correspondents or information agencies to accept or distribute official corrections handed them by other governments.<sup>18</sup>

The proposed new article was put to the vote in three parts at the request of several delegations. The first part was rejected by a tie vote, 21 in favor

to 21 against, with 5 abstentions, and the remaining parts were defeated by votes of 23 to 17 and 24 to 19.

#### What is the "Duty" of a Correspondent?

A third major issue arose over the attempt made to define the role of a correspondent and to prescribe a standard of proper conduct for him. The Mexican delegation, with strong support among other Latin American delegations, those of the Middle East, India, and the Soviet bloc, sponsored an amendment to add the following to article 9 of the Ecosoc text:

It is the duty of information agencies and foreign correspondents to report the facts without discrimination, to promote respect for human rights and fundamental freedoms, to further international understanding and cooperation and to contribute to the maintenance of international peace and security.<sup>19</sup>

In proposing this amendment the Mexican delegation maintained that since the proposed convention granted rights and privileges to correspondents it was necessary to establish a balance between the rights and the obligations of correspondents. It was not sufficient, he added, to state these merely as moral obligations; rather they must be of a legal character and enforceable by Contracting States.<sup>20</sup>

The United States delegation, supported by the delegations of the United Kingdom, Netherlands, Philippines, Norway, Uruguay, and several others, objected strongly to the proposal. Speaking for the United States delegation, Mr. Canham stated that although the United States believed firmly in the basic objective of this proposal, his government could never agree to accept it as a legal obligation in respect of its correspondents or those of any other country, since to do so implied recognition of the totalitarian thesis that the government should dictate the functions of the press. He also pointed out that, in the context of article 9, this amendment would permit Contracting States to deny correspondents the benefits of the convention merely by accusing them of having failed to comply with this definition of their functions. He added that even as a statement of a moral obligation, the proposed text would require

<sup>17</sup> For a fuller summary of the Mexican position see U.N. doc. A/C.3/SR198, Apr. 25, 1948, pp. 2 and 11.

<sup>18</sup> See press release 608, of Apr. 22, 1949, issued by the United States delegation to the General Assembly.

<sup>19</sup> See U.N. doc. A/C.3/SR202, Apr. 26, p. 12.

<sup>20</sup> For a fuller summary of the Mexican position see U.N. doc. A/C.3/SR200, Apr. 25, 1949, p. 3 and U.N. doc. A/C.3/SR201, Apr. 26, 1949, p. 3.

modification to make it clear that the primary moral responsibility of a correspondent is purely and simply to seek the facts and report them as comprehensively and objectively as possible and that the other ends sought in the Mexican proposal flowed from this responsibility.

Despite this forceful opposition, the Mexican amendment was adopted by a vote of 24 to 15, with 10 abstentions.<sup>21</sup> In a renewed effort to defeat this amendment and to salvage the convention, most of the delegations which had opposed the amendment thereupon stated that they could not support the convention with this amendment and urged other delegations to join them in rejecting article 9 as amended in its entirety. The article was adopted, however, by a vote of 27 to 17, with 7 abstentions.

At this point the French delegation announced that it would seek to work out some form of compromise in order to save the convention and urged others to join in this effort. Accepting this suggestion, representatives of the delegations of the United Kingdom, Peru, Colombia, Mexico, and the United States met informally with the French to explore the possibility of working out an acceptable solution. While the Third Committee continued its discussion of other portions of the convention, this group struggled with the seemingly insuperable task of reconciling completely divergent views. Although his delegation was prepared to accept compulsory correction, the French member acted as an impartial arbiter. In the course of twenty-odd meetings, several compromises were accepted one day, only to be rejected the next. Finally, however, an acceptable solution was evolved by turning both of the disputed propositions into preambular language, but plac-

ing the new language at the head of the operative article which deals with the right of official correction at the governmental level.

The Third Committee then reconsidered its previous vote and adopted the compromise proposal by an overwhelming vote, after the Soviet bloc had protested strongly against what it described as a "maneuver on the part of the United States and the United Kingdom to coerce smaller delegations." The compromise appears in article IX of the final text (see annex D for Assembly text) as follows:

Recognizing that the professional responsibility of correspondents and information agencies requires them to report facts without discrimination and in their proper context and thereby to promote respect for human rights and fundamental freedoms, to further international understanding and co-operation and to contribute to the maintenance of international peace and security,

Considering also that as a matter of professional ethics, all correspondents and information agencies should, in the case of news despatches transmitted or published by them and which have been demonstrated to be false or distorted, follow the customary practice of transmitting through the same channels, or of publishing, corrections of such despatches, . . .

In addition, a provision was inserted at the end of the next paragraph of this article requiring governments which have received an official correction from other governments to forward it to the correspondent or agency concerned so as to enable them to correct the dispatch in question.

#### **To What Extent Is Censorship of Outgoing News Permissible?**

The delimitation of the permissible scope of censorship in peacetime of news dispatches leaving a contracting state gave rise to a paradoxical debate. Almost every non-Soviet delegation repudiated any intention of wanting to resort to peacetime censorship and agreed that it should be permitted only on grounds of military security. Yet many of the same delegations fought for the inclusion of provisions which would have validated peacetime censorship on grounds as broad as "public order" and even "national prestige and dignity"—despite the fact that the convention in no way affects existing governmental authority to censor incoming news or any other news for domestic publication!

The drive to reverse the decision of the Ecosoc Committee and limit censorship to grounds of national *military* security was led by the United

<sup>21</sup> The vote, taken by roll call, is significant as a general indication of the prevailing attitude of governments toward the problem of freedom *vs.* responsibility by law. *In Favor:* Liberia, Mexico, Panama, Peru, Saudi Arabia, Siam, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Honduras, and Iraq. *Against:* Lebanon, Netherlands, New Zealand, Norway, Philippines, Sweden, Union of South Africa, United Kingdom, United States, Uruguay, Australia, Belgium, Brazil, Canada, and Greece. *Abstaining:* Pakistan, Poland, Turkey, Venezuela, Yemen, Chile, China, Costa Rica, France, and India. (U.N. Doc. A/C.3/SR202, Apr. 26, 1949, p. 12.)



States delegation. A number of delegations which had favored the wider formula of "national security" were now satisfied that essential emergency governmental powers were amply safeguarded by other articles. Still others agreed that the Ecosoc formula was too loose but expressed doubts as to the exact meaning of military security. To resolve these doubts the Australian delegation suggested that the term "national defense security" be employed. The United States delegation then proposed the deletion of the troublesome words "military" and "security," Mr. Canham giving the following interpretation of "national defense":

Several delegations have spoken to us about some difficulties and ambiguities they encountered in the phrase "national military security." Some of them have told us that in various translations this might carry the impression that it applied to the army rather than to naval, air, or other forms of security. We have not wished to be unyielding or uncooperative on this point, and so another synonymous form of words has come to our minds which I would set before you. . . . As a matter of fact, our suggestion is almost identical with that handed in as a formal amendment by the Australian Delegation today. They have suggested the words "national defense security." We were prepared to suggest as a synonym for the words "national military security" the words "national defense" which seems to us to be one word simpler than the Australian formula and from our point of view is intended to be merely a better translation, merely a better form of words than "national military security." From our point of view, the two phrases are intended to mean exactly the same thing . . . .<sup>22</sup>

The proposal proved acceptable, and the Committee voted 28 to 8, with 12 abstentions, to limit censorship to laws and regulations "relating directly to national defense."

Unfortunately, what at first appeared to be a decisive resolution of the issue was later seen to be but the opening phase of a complicated and strongly contested battle. A number of delegations, it turned out, had voted for this limitation of governmental powers at this point in the convention because of the overriding reservation of emergency governmental authority contained in later articles. The real test came when proposals were made to limit some of these reservations.

It will be recalled that article 9 of the Ecosoc draft, which American press correspondents

promptly labeled the "States Rights" article, reserved to contracting states the right, among others, "to make and enforce laws and regulations for the protection of national security and public order" despite any other provision of the convention. Quite clearly this phrasing could include the right to censor outgoing news dispatches if laws for the protection of national security and public order so provided. The Mexican delegation sought to add a further ground, namely "national prestige and dignity," which was withdrawn, however, without vote. Accordingly the United States delegation moved the addition of the following qualifying proviso:

No Contracting State shall, however, impose censorship in peacetime of news material leaving its territory except on grounds of national defense, and then only in accordance with Article 4 [article VII in final text].

After a lively debate, the proviso was adopted by a vote of 31 to 8, with 8 abstentions.

But the decisive test came when an attempt was made to resolve an obvious conflict between the draft convention and the provisions of article 29 of the international telecommunication convention of Atlantic City, 1947, which reserves to contracting states an absolute right of stoppage as regards any messages "which may appear dangerous to the security of the state or contrary to their laws, to public order or to decency." This, of course, is censorship in its most drastic form. Since virtually every member state of the United Nations, including the United States, has adhered either to this Atlantic City convention or to the earlier Madrid version which contains a similar provision, any signatory of these telecommunication conventions would be faced with apparently contradictory obligations in respect of its right to censor outgoing news if it also adhered to the newsgathering agreement.

This conflict had, of course, been evident since the newsgathering draft was first suggested, but the United States had considered that the ordinary rules of treaty interpretation would apply, that is as between two equally valid conventions containing specific provisions regarding the transmission of news material, the later convention would govern among those states which adhered to both. When, however, a large number of delegations stated that they did not intend to abrogate any of their rights under the telecommunication conventions, the United States delegation decided

<sup>22</sup> See press release 603 of Apr. 18, 1949 issued by the United States delegation to the General Assembly.



to propose the following provision to make explicit its interpretation of the relation between the conventions:

Each Contracting State agrees not to avail itself so far as other parties to this Convention are concerned of its right to stop any telecommunication or to suspend international telecommunication services afforded by the International Telecommunication Convention currently in force to which it is a party in any manner inconsistent with the provisions of the present Convention.<sup>22</sup>

In the ensuing debate, several delegations protested that their government could not abrogate rights granted by other conventions and others argued that it was not proper to "amend" an earlier convention in this manner. The Belgian delegation, while not disagreeing in principle with the United States, and agreeing that the United States proposal would not constitute an "amendment" of the telecommunication conventions, nevertheless believed that the proper course to take was to agree that the telecommunication convention required formal amendment and meanwhile to abide by its provisions. To sharpen the issue, the delegation of Belgium suggested the following formula, which was formally proposed by India.

The provisions of the present Convention do not prejudice the rights at present reserved to states under the International Telecommunication Convention of Atlantic City, 1947.<sup>24</sup>

After several days delay during which delegations sought instructions from their governments, the proposals were put to a vote and both were rejected, the United States formula by 20 to 18, with 6 abstentions and the Belgian-Indian formula by 19 to 16, with 7 abstentions! Consequently, no provision concerning the discrepancy between these agreements appears in the final text and the normal rule of treaty interpretation must be relied upon in case of a dispute.

The long and sometimes confused debate on this issue thus resulted in acceptance of the view that if any censorship of outgoing news is deemed absolutely necessary, it must be confined to matters covered by laws relating directly to national defense and cannot be imposed on grounds of national security, or public order, etc. (see annex D, articles VII and XII).

<sup>22</sup> See U.N. doc. A/C.3/465/rev. 1, Apr. 25, 1949.

<sup>24</sup> See U.N. doc. A/C.3/467, Apr. 19, 1949.

### **Does The Convention Favor The Large Established News Agencies Of The U.S. And U.K.?**

At several points in the debate, a number of delegates remarked that their governments could not be expected to show much enthusiasm for a convention which, they said, would consolidate the dominant position of the well-established and amply financed news agencies of the United States and United Kingdom and thereby hamper the development of their own agencies. They asked for assurance that the convention was not designed to prevent contracting states from providing necessary assistance to their own news agencies.

The United States, together with the United Kingdom and several other delegations, pointed out that the convention had no effect whatsoever on the right of contracting states to develop their own agencies, provided they did not resort to restrictive practices injurious to the operations of agencies of other contracting states.

Nevertheless, there was strong support for the inclusion of explicit guaranties to this effect and the result was the incorporation of three provisions in article XII of the final draft which provide that nothing in the convention (1) shall prejudice national legislation "requiring that a portion of the staff employed by foreign enterprises . . . shall be composed of nationals . . ."; (2) shall prevent states from "taking measures to help the establishment and development of independent domestic information agencies or to prohibit practices tending to create monopolies"; and (3) shall limit the power of a state to reserve to its nationals "the right to establish and direct in its territory newspapers, periodicals, and radio-broadcasting and television organizations."

A fourth provision of this kind was inserted in article VIII at the insistence of the Latin American delegations in particular. It provides that:

As regards the projection of newsreels or parts thereof, the Contracting State shall take measures to prevent monopolistic practices in any form, whether open or concealed, in order to avoid restrictions, exclusions or privileges of any kind.

This provision was adopted by a substantial majority despite questions raised by several delegations on its exact meaning and scope. The United States delegation suggested that if any such provision were appropriate, it should be clarified and broadened to apply to monopolistic practices in

respect of other types of news material as well, but this suggestion received very little support.

However unnecessary and irrelevant to the basic text from a technical point of view, these provisions were considered important by many of the delegations from countries with underdeveloped news agencies and made it possible for several of them to support the final text.

#### **Should the Convention Apply to Nationals Employed by Foreign Information Agencies?**

Whether the convention should apply to a national of a contracting state who is employed by a foreign information agency operating within his state proved to be another thorny issue. In the Ecosoc text a correspondent was defined as "... an individual employed by an information agency, or a national of a Contracting State, who in either case is regularly engaged in the collection and reporting of news material, and who, when outside his state, is the holder of a valid passport identifying him as a correspondent . . ." (article 1 (B)). Clearly the definition included nationals employed in their own state by a branch of a foreign information agency.

However, the inclusion of such nationals was opposed strongly by a large number of delegations, the chief spokesmen being the representatives of China, India, Chile, and Lebanon. They insisted that to include such nationals would discriminate in favor of a few of their nationals and might permit them to defy certain laws of their own countries. They also felt that this provision had the effect of placing those nationals under foreign protection. For these reasons, they proposed a clause exempting such nationals from the application of the convention.

Although sympathetic to these views, many other delegations, including the United States, could not agree that it would be desirable to exempt such nationals. It was pointed out that news agencies customarily employ local personnel for part of the staffs of their foreign branches and that this practice is beneficial both to the agencies and the countries in question. To exclude such nationals would force news agencies to discharge their locally recruited staffs or face the danger of losing most of the benefits of the convention.

Despite a decision of the Third Committee, taken by a narrow majority, to include such nationals, many delegations continued to oppose the convention for this reason. Consequently, the United

States delegation suggested an amendment to article XII which would make it clear that although such nationals were covered by the convention in so far as the operations of the news agencies are concerned, they could in no sense claim foreign protection. This amendment was adopted in the course of the final approval of the convention in plenary meeting and appeared to satisfy most of the delegations which had sought to exclude nationals altogether.

#### **Other Key Issues**

Considerable time was also spent in a discussion of the so-called colonial article (article XVIII), which had given rise to sharp disagreement at the Conference and at the Ecosoc. There was widespread dissatisfaction with the revision of this article submitted by the Ecosoc, and in the end, the Committee agreed upon a formulation which approximates the original Conference text but makes even more explicit the obligation of metropolitan states by requiring them to transmit the text of the convention to their non-self-governing territories whether or not its application is extended to them.

On the other hand, the important issue of the manner in which the convention was to be implemented, or enforced, was decided after a very brief discussion. It will be recalled that the text before the Committee made no provision for implementation. Two proposals were advanced:

(1) A United States-United Kingdom proposal for the creation of a fact-finding committee, which would hold public hearings and issue a report on any dispute which had not been settled by other means and (2) a Norwegian proposal providing for the compulsory jurisdiction of the International Court of Justice.

Many delegations objected to the expense involved in the establishment of fact-finding bodies and they regarded this proposal as an unjustified attempt to bypass the Court. The Committee voted by a large majority in favor of the compulsory jurisdiction of the International Court of Justice (article XIV).

In contrast with the prolonged discussion of the first part of the convention, the second part, dealing with the right of correction, was considered only briefly. Once the decision had been taken to merge the two conventions as parts one and two of one convention, the unofficial revision of this text which had been worked out by the delegations of the United States, France, and the

United Kingdom at the Ecosoc was approved with only minor drafting changes. The debate over the issue of compulsory correction by correspondents, which might more appropriately have taken place at this point, had already concluded.

A product of long and hard debate, the convention reflects the process of majority decision and compromise inherent in the democratic procedures of the United Nations. It contains little that is new and its main provisions incorporate practices already observed by most democratic states. For the first time, however, such practices would obtain the sanction of international law, thereby providing a standard against which to measure the practices of states which do not accord similar treatment to information agencies and news personnel. Speaking in a plenary meeting of the General Assembly on May 13, 1949, Mr. Canham stated:

"The Convention which is before the General Assembly for adoption is simple, precise, concrete, and wisely limited in its application. It does not guarantee the millenium overnight. But it is based on sound principles. It is a good beginning. It sets standards which will enable higher goals to be reached through practical experience in the future."<sup>25</sup>

But the struggle was not yet over! In a separate resolution accompanying the text of the convention, the Assembly stipulated that the convention "shall not be open for signature until the General Assembly has taken definite action on the draft Convention on Freedom of Information."<sup>26</sup> The latter, it will be recalled, was the third of the conventions proposed by the Conference on Freedom of Information. Following the completion of the Newsgathering text, the Third Committee took up this Freedom of Information Convention but was forced to defer its consideration until the Fourth Session in the face of sharp disagreement over its provisions. Before abandoning work on the Freedom of Information convention at that session, however, the Third Committee had adopted revised versions of the first five articles. In general, the revisions incorporated many restrictive provisions intended to "safeguard" permissive governmental authority over freedom of

information, and many delegations declared that their governments would never accept a convention along those lines.

#### GENERAL ASSEMBLY, FOURTH SESSION

When the General Assembly convened for its fourth session, September 20, 1949, the Third Committee had first on its agenda the draft convention on freedom of information. Although not formally on the agenda, the question of opening for signature the newsgathering convention was also part of this item. A large number of delegations felt that there was no more prospect of agreement on an acceptable text of this convention than there had been at the previous session. A proposal was therefore submitted by the delegations of the United Kingdom, Netherlands, and the United States calling upon the United Nations Commission on Human Rights to include adequate provisions on freedom of information in the draft international covenant on human rights and postponing further action on the convention until the fifth session, pending receipt of the covenant from the Commission on Human Rights.

It was pointed out that the Assembly would not be in a position to determine intelligently what might be accomplished by a specific convention on freedom of information before it had first reached agreement on a statement of the general concept of this freedom in the covenant. This proposal was adopted October 20 by a vote of 38 to 10, with 10 abstentions.<sup>27</sup>

A second proposal, however, sponsored by the same three delegations which would have opened for signature the newsgathering convention was rejected in Committee Three by a vote of 18 to 16, with 13 abstentions. Many delegations insisted that the two conventions were "part of one whole" and that they must stand or fall together, despite what appear to be conclusive arguments that the two conventions do not in fact cover the same subject matter and are in no way dependent on each other. Other delegations maintained that the freedom of information convention is necessary to establish a "moral and political context" for the

<sup>25</sup> BULLETIN of May 29, 1949, p. 678.

<sup>26</sup> See resolution in U.N. doc. A/876, May 16, 1949, *ibid.*, p. 682.

<sup>27</sup> See U.N. doc. A/1010, Oct. 7, 1949.



purely technical newsgathering convention. Some of these delegations are anxious to incorporate into the freedom of information convention certain restrictive proposals which would have the effect of nullifying some provisions of the newsgathering text.

Despite 2 years of intensive debate in international meetings, therefore, final action on the convention on the international transmission of news and the right of correction must presumably await the next session of the General Assembly.

## CONCLUSIONS

A number of significant facts having important implications for United States information enterprises and for our foreign policy have emerged from the United Nations debate on these conventions.

Current national concepts of freedom of the press or freedom of information, far from being characterized simply by the gap between the Soviet thesis of the state-indoctrinated society and the democratic thesis of the society free to reach its own consensus on the basis of competing sources of news, are more accurately described as being ranged in a continuous ideological spectrum. This spectrum is bounded by the U.S.S.R. at one extreme and the United States at the other, with every other country ranged between.

Especially significant is the fact that our concept of governmental *laissez-faire* toward the information media does not represent the norm even among most other acknowledged democracies. The danger is that we may be misled by the opposition of the vast majority of governments to Soviet proposals restricting freedom of information into overlooking the lack of general agreement with our own concept. Many countries share with us the conviction that direct governmental control over the press is inimical to freedom of expression but are nevertheless prepared to make the press "responsible" by law. Accustomed to domestic press laws, some of which require compulsory correction of various categories of false or "harmful" reports, they advocate similar measures at the international level. For them governmental intervention is not harmful as such, and the dangers inherent in such intervention are not considered

so serious as are the effects of an "irresponsible" press.

Moreover, most of the smaller nations, unable to maintain global and sometimes even domestic news agencies of their own, allege that they are "at the mercy" of the powerful news agencies of the United States and the United Kingdom. Many of them are highly critical of the treatment allegedly accorded them by these agencies. They complain that their policies are sometimes misrepresented or maligned and their cultures ignored or distorted either for political purposes or through a combination of ignorance and catering to sensationalism. Claiming that they have no adequate means of redress, they are tempted to employ the next best available remedy, namely restrictive controls on the operations of powerful foreign agencies. A few have had no intimate domestic experience with freedom of the press and are not prepared to accord this freedom fully to foreign agencies.

Governments, or more accurately administrations of the moment, have from time immemorial claimed the power to judge matters of this nature for their citizens, and too often the test has been the interest of the administration rather than that of the people. Many of the allegations of misconduct or inadequate performance leveled by some governments at the free press cannot, therefore, be taken at face value.

Yet, whatever be its true source, the threat to the traditional American concept of the free press cannot be ignored, especially at a time when the totalitarian thesis is exerting its maximum pull. The freedom of information debate in the United Nations has served to clarify the issues and to give a powerful thrust to the democratic thesis. But the pressure on the "middle states" is strong, and there is a growing tendency to distrust both extremes.

In the present titanic struggle for the minds of entire peoples, this debate presents a great challenge to the information enterprises of the United States and to our government. The challenge demands renewed efforts to demonstrate the courage of our democratic convictions by convincing others through example and discussion that in the case of freedom of the press as with other civil liberties the price of freedom is small indeed when compared with the terrible costs of the regimented society.

## VIEWING 48 YEARS IN THE DEPARTMENT OF STATE

*An Interview With Bertha S. Rodrick  
by Philip W. Carroll*

In a section of the Records Branch of the Department of State three elderly ladies wearing powdered blonde wigs and colorful Victorian-style dresses with long, sweeping trains work diligently recording for posterity the documents and letters of the Department.

Ridiculous?

Well, today, yes. But not ridiculous if you had the memories of Bertha S. Rodrick who has served the Government through the administrations of nine Presidents and their 15 Secretaries of State in the past 48 years.

The silver-haired, affable Mrs. Rodrick, honored for her long, faithful service at the Department of State's Honor Award Ceremony held in Washington on October 12, 1949, smiles as she recalls a picture of the Department as it was when she entered its service on May 16, 1901.

She was appointed, at that time, to the Chief Clerk's Office to assist in bringing up-to-date the volumes of the *Foreign Relations of the United States*.

After the first volume was completed, Mrs. Rodrick said the appropriations for the project ran out—an occurrence not relegated entirely to the "old days"—and she found herself out of work. She was not long idle, however, for she reentered Government service in July 1901 with the Bureau of Indexes and Archives to continue her work on the Foreign Relations volumes.

Mrs. Rodrick was "loaned" for 9 months in 1905 to the Bureau of Appointments where she compiled statistics on Foreign Service officers. Upon completion of her duties there, she returned—

against the bitter protests of the Chief of the Bureau of Appointments—to the Bureau of Indexes and Archives.

Her competency was reflected in the fact that the Chief of the Bureau of Appointments, who did not have employment jurisdiction over Mrs. Rodrick, had her promoted on July 2, 1906, to \$1,200 a year—a phenomenal figure for a woman employee. She had reached, therefore, the highest level of pay for women in Government at that time.

"It was rumored," Mrs. Rodrick laughingly stated, "that John Hay considered that no woman was worth more than \$1,200." Things got better, she added, during Elihu Root's administration.

Mrs. Rodrick was detailed to the Latin American Division for a few months after her return to the Bureau of Indexes and Archives and, shortly after, requested and received a transfer to the Division of Passports.

She entered the Passport Division, then known as the Citizenship Bureau, early in 1907 and became one of seven employees necessary in that Division to handle the voluminous tasks of the day—the Division now has 211 employees.

Mrs. Rodrick has served 42 years, consecutively, with the Division in the capacity of secretary to the Chief, administrative assistant, Chief of Files and Records of the Passport Division, Correspondence Drafting Officer, and Chief of the General Inquiries section—her present position.

"The State Department has changed considerably since I first entered it," Mrs. Rodrick re-

marked with a smile in a masterful utterance of understatement.

#### **Organizational Structure—1901**

The organizational structure then consisted of a Diplomatic Bureau, Consular Bureau, Solicitor's Office, Bureau of Appointments, Bureau of Indexes and Archives, Passport Bureau, and a Bureau of Accounts—which remitted pay in cash—, she recalled.

The Secretary of State had a First, Second, and Third Assistant, and the Departmental Service numbered 99. The entire domestic and foreign service totaled, approximately, 1,100—including foreign nationals working at United States foreign posts. Today, the Department employs 22,254, including 8,206 in the Departmental Service, 14,033 in the Foreign Service—including foreign nationals—, and 15 in territories and possessions.

"There were 11 women employees scattered throughout the Department," Mrs. Rodrick pointed out, "but I don't believe there were any in the foreign service."

In a small room allotted to the Diplomatic Bureau, Mrs. Rodrick first met the three bewigged women of the Records Branch.

#### **Typing Techniques**

The three elderly ladies, looking like images that had just stepped from a seventeenth century painting, were responsible for recording in ledgers of great magnitude the copies of correspondence coming into and going out from the Department.

The mechanical age had come upon the ladies before they were ready to face it and before they had a chance to defend themselves: the Department introduced into the recording branch a modern, mechanical monster—the typewriter—to speed the processing and recording responsibilities of the section.

One of the ladies, very proud of her fingernails, looked to the new typewriters as a threat to her feminine pulchritude and one which must be conquered if she was to retain the beauty of her hands.

As a result, she devised an ingenious method of typing in which she would hold one pencil in each hand—reversing the pencils so that the erasers pointed downward—and then deliberately

and forcefully strike key after key with the pencils until her recording duty was completed.

She succeeded, of course, in preserving her fingernails, but, as Mrs. Rodrick pointed out, the Department's attempt to speed the processing of correspondence was thwarted.

#### **On-the-Job Sales**

Mrs. Rodrick recalled another lady of the old days who mixed business with business. This lady had a commercial shop in the District where she sold ladies' jabots, collars, embroidered handkerchiefs, and other feminine fineries. Each work day she would bring to the Department samples of her latest wares and display them so that interested customers might select the items they wished.

"Of course," Mrs. Rodrick said, with a twinkle in her eyes, "she was only supposed to sell the goods during the lunch hour, but if someone came in during working hours she couldn't stop them from looking at the merchandise."

The lunch hour then was well-suited for shopping time for the women since there was no lunchroom in the Department and all employees brought their lunches.

Developing new typing techniques and transacting on-the-job sales were exceptions rather than the rule, Mrs. Rodrick was quick to point out. Most of the Department employees in those days were sincerely interested in the work and often worked long hours to insure the proper performance of each duty of the Department, she said.

"Service in the Department was a career in those days," Mrs. Rodrick stated, "and any task any employee was called upon to do, he accepted as in the line-of-duty, no matter how long it took to do the job."

#### **A Crisis**

She recalled the crisis that developed shortly after the outbreak of World War I, when American citizens were stranded overseas without passports.

A traveler in those days did not have to have a passport in order to journey in many foreign countries, and when war came, many Americans were stranded without identification.



"People were caught without passports, and we were deluged with telegrams and cables from loved ones at home and stranded Americans abroad to get passports for travel home," Mrs. Rodrick said.

The Division worked day and night to help Americans who were in trouble abroad, Mrs. Rodrick continued, and in order to meet the crisis many days the entire Division worked from 9 a.m. to 11:30 p.m. It was not uncommon, she added, for the Chief to request everyone in the Division to report for duty at 8 o'clock the following morning.

New clerks were taken on to handle the increasing load of requests for passports. This load continued until the time when the United States entered the war. "By that time," Mrs. Rodrick said, "we had returned most of them back home."

Through this whole crisis, Mrs. Rodrick recalled, one old gentleman—whom she called "Professor"—refused to be moved by war or conflagration from the usual way of things. He continued to perform his function of writing passports for the Division with an air of perfect calm: he had established a day-by-day schedule for himself and defied anyone to change it.

"It had always been the policy of the Division Chief," Mrs. Rodrick said, "to insist that a passport had to be written and sent out on the same day that the application was received."

The "Professor", who had sole responsibility for writing passports—which resembled large-size diplomas at that time—, refused to be deterred from his schedule of writing 65 passports—but no more—regardless of any increase in the volume requested.

He just moved steadily and methodically on, Mrs. Rodrick said, and when he reached the maximum point, he would stop. To him, she said, 65 was the point of mental and physical exhaustion, and he would cease writing at that number.

In order to carry out the Chief's policy, all the clerks, therefore, had to jump in and begin writing the passports the "Professor" had left undone.

"If we turned out 150 passports a day, it was a good day," Mrs. Rodrick said. Today, the Division turns out approximately 910 passports daily.

In her 48-year service with the Department, Mrs. Rodrick recalls many changes which have

taken place, outside of the Passport Division and in the Capital City.

For example, she remembers when it was a simple matter to find anyone connected with the Department, or for that matter anyone connected with the Department of State, Navy Department, or Army Department. All three Departments were in the same building on 17th Street and Pennsylvania Avenue.

Having all of the Department of State located in one building was convenient in many ways, but it was especially convenient with regard to transportation to and from work.

#### **Domestic Travel**

In the old days, Mrs. Rodrick said, the most favored mode of transportation was the feet. Travel time to the Department was about one-half hour.

"People could always walk through the White House grounds for a short cut. The front and back gates were always open," she said.

The gates were not closed before the Wilson administration during the First World War period. They have remained closed ever since.

For those employees that lived farther out, the rapid transit company offered speedy conveyance on the cable cars on Pennsylvania Avenue, with swift crosstown transfer on horse-drawn trolleys.

If a person desired to make a quick dash to work in order to beat the clock, and a late penalty, and he had sufficient funds to afford a more expensive transportation vehicle, he could hire a horse-drawn cab.

Some years later, Mrs. Rodrick remarked, as America moved into the modern mechanical age, a few of the more successful and daring officials of the Department purchased electric automobiles with the chest-high, horizontal steering bars.

#### **International Travel**

Although travel at home was extensive, Mrs. Rodrick recalled that American statesmen did very little official international travel. This government sent a few commissions to foreign nations. These consisted of specialists selected to represent the United States abroad in certain fields, but the Secretary and his Assistants seldom

if ever journeyed overseas in an official capacity.

Alvey A. Adey, Second Assistant to the Secretaries of State from the administration of John Hay through that of Charles Evans Hughes, and one of the most brilliant men in the American Government and an expert in almost every field of diplomatic relations, would travel abroad, however, on a vacation each summer and carry his bicycle with him. Upon arriving in Europe, he would take his bicycle and, for the rest of his stay, pedal over the European roads from one country to another to become acquainted with the attitudes and desires of the people.

The conduct of foreign affairs then was very much different from that of today, Mrs. Rodrick said. Our communicating facilities were not so rapid as they are today; most of the correspondence and instructions to foreign posts went by steamer pouch. If an emergency developed in which rapid transmission was essential, the Department had only the cable to use for transmitting coded messages, in contrast with the telegraphic transmissions of today.

#### **Intradepartmental Communications**

Intradepartmental communication in the old days was dispatched with greater efficiency and with less possibility of error, Mrs. Rodrick thought, since most of the communicating could be done on a personal basis. If an individual had a question he wished answered, all that he had to do was walk down the hall and talk with the officer responsible for the matter.

The translation of foreign languages is a good example of a problem that was resolved by this simple personal exchange. The translating section consisted of two people—and never more than three—who were capable of translating all foreign languages with which the United States was concerned.

One man, a Mr. Stephans, could translate all the languages. He was a high-salaried employee, receiving \$2,100 a year.

Officials conducted very little business by telephone conversation during this period. "I don't recall seeing a single telephone in those days," Mrs. Rodrick said. The Department has in use today approximately 5,106 telephones.

This tradition of personal contact made the Department "one big, happy family," Mrs. Rodrick stated, "Everyone knew everyone else, and a strong spirit of comradeship existed."

When new Secretaries were appointed, they insisted that they meet personally all the clerks in the Department, and they invited them all into the diplomatic reception room so that everyone might become acquainted.

The Department had a social club—Mrs. Rodrick was an officer of the committee—which met periodically and was entertained by such artists as Fritz Kreisler, Ernestine Schumann-Heink, and Frieda Hempel. A dance followed each meeting, and all Department employees mixed in a spirit of good fellowship.

Such gatherings built a firm *esprit de corps* within the Department and made the loss of a member a personal grief.

#### **The Assassination of McKinley**

"The assassination of President McKinley left us all terribly grieved," Mrs. Rodrick said. "People walked through the White House grounds, with heads bowed, and almost in tears. A hush seemed to be over everything."

The United States entry into World War I, Mrs. Rodrick said, raised the curtain on a new Department of State.

The personnel of the Department began to multiply; more women came into service, and their opportunities increased; the Department began to expand; the tempo of conducting international relations accelerated; the "personal touch" of the Department began to give way to the business-like approach. The Department of State started its slow progress toward the colossus that it is today.

Mrs. Rodrick has watched it grow. Her eyes have pictured and her brain has recorded almost a half century of history of the Department of State.

Today, as she rests in her chair, closes her eyes, and permits her mind to roam back over the years, she recalls the words spoken to her by the three old ladies of the records branch—who worried lest this young woman put them out of work—, "Slow down, young lady. Take it easy! Just wait until you're here as long as we have been."

Remembering the words, Mrs. Rodrick smiles.

## THE UNITED NATIONS AND SPECIALIZED AGENCIES

### The United States in the United Nations

[November 5-11]

#### Ad Hoc Political Committee

*Membership.*—The Committee, on November 4, completed action on the question of admission of new members and adopted several resolutions, nine of which were submitted by Australia. They request that the Security Council reconsider the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal, and Nepal, in view of the General Assembly's determination that each of these states meets the Charter requirements for membership and should be admitted to the United Nations. According to another resolution, the International Court of Justice will be asked for an advisory opinion on whether admission of a state to membership could "be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent member upon a resolution so to recommend." A final resolution requests permanent Security Council members to forego the veto when voting on applications and asks the Security Council to keep all pending applications under consideration. A Soviet proposal to authorize a blanket Security Council recommendation of 13 applicants was rejected.

*Atomic Energy.*—During a week of intensive debate on the question of the international control of atomic energy, five proposals were submitted.

France and Canada jointly proposed requesting the permanent members of the Atomic Energy Commission (Canada, China, France, the Soviet Union, United Kingdom, and United States) to continue their present consultations and to examine all suggestions and lines of approach with a view to determining whether they might lead to agreement.

A proposal by India would ask the International Law Commission to prepare a draft declaration on the duties of states and individuals regarding

atomic energy to insure its use for peaceful purposes only.

The U.S.S.R. proposed asking the Atomic Energy Commission to resume its work and proceed to the preparation of simultaneous conventions on the prohibition of atomic weapons and the control of atomic energy. Preambular clauses placed the entire responsibility for failure to attain a solution to date on the United States and the United Kingdom.

Haiti proposed a commission of 12 members, assisted by experts in nuclear physics, to prepare and submit to the General Assembly a draft convention providing for simultaneous abolition of atomic devices as instruments for war and international control of atomic energy, and, second, a declaration of the duties and rights of states in connection with atomic armaments.

The fifth proposal, presented by Argentina, would ask the permanent members of the Atomic Energy Commission to make every effort to secure in the shortest possible time a provisional agreement which would "include as a minimum a renunciation of the use of atomic weapons for purposes of aggression."

United States delegate, John D. Hickerson, supported the French-Canadian resolution and said that until a better one was adopted, the United States would continue to press for adoption of the majority plan. He added that the Soviet proposals were "far short of ensuring effective control" and would permit clandestine operations and diversions of nuclear fuel. Soviet insistence on these inadequate proposals and refusal to submit more effective proposals, he said, had stymied the Atomic Energy Commission and the efforts of the Six Permanent Members.

#### Political Committee

*Greece.*—The Committee approved on November 4 a resolution approving the report of and continuing the United Nations Special Committee on the Balkans, which United States delegate,



Benjamin V. Cohen, introduced earlier and which was cosponsored by Australia, China, the United Kingdom, and the United States.

*Italian Colonies.*—After exhaustive debate, the Committee, on November 12, completed Committee action on the disposition of the former Italian colonies with approval of a three-part resolution providing independence for Libya by 1952, a 10-year Italian trusteeship over Somaliland, and the establishment of a United Nations Commission to determine the wishes of the people of Eritrea. The final vote on the resolution as a whole was 49 to 1 (Ethiopia), with 8 abstentions.

In brief, the plan provides that Libya would become an independent state not later than January 1, 1952. A United Nations commissioner would be appointed, assisted by an advisory council of 10 members, representing Egypt, France, Italy, Pakistan, Great Britain, the United States, one member of each of Libya's three sections, and a representative of Libya's minority populations. A Libyan national assembly would write a constitution which would be approved by the United Nations, after which sovereignty would be transferred.

Somaliland would be administered as a trusteeship under Italy, aided by an advisory council of Colombia, Egypt, and the Philippines. It would become independent after 10 years.

A five-member commission composed of Burma, Guatemala, Norway, Pakistan, and South Africa would visit Eritrea next January to determine the form of government wanted. The Commission would report to the Interim Committee in June which in turn would present a plan to the fifth session of the General Assembly.

#### Trusteeship Committee

*Non-Self-Governing Territories.*—The Committee completed detailed consideration of the report of the special committee on information from non-self-governing territories and adopted resolutions which (1) express the hope that United Nations members who have not transmitted information on the geography, history, people, government, and human rights of the non-self-governing territories may voluntarily include such information in their reports to the Secretary-General; (2) invite the Economic and Social Council to study the question of language of instruction in non-self-governing territories; (3) ask administering members to continue to cooperate with UNESCO in continued steps toward eradication of illiteracy; (4) recommend international collaboration in regard to economic, social, and educational conditions in non-self-governing territories, with increased participation of the United Nations specialized agencies; (5) recommend that administering mem-

bers take steps, where necessary, to establish equal treatment in matters relating to education in non-self-governing territories; (6) continue the special committee for a 3-year period; (7) invite the special committee to give special attention in 1950 to educational problems in non-self-governing territories.

The United States delegate, Charles Fahy, supported all of the resolutions. In the course of the general debate in reply to criticism of United States administration of Puerto Rico, Mr. Fahy reported that Puerto Rico was the only non-self-governing territory in the world which freely elected its chief executive by universal adult suffrage. He noted that about 20 percent of the budget went to education, pointed out major developments in industry in the past years, and mentioned the Island-wide campaign against tuberculosis as an example of considerable progress.

#### Economic Committee

*Economic Development.*—The Committee, on November 4, unanimously approved its report to the General Assembly on the economic development of underdeveloped countries which includes four resolutions and a synopsis of the Committee's consideration of the three aspects of economic development: economic development of underdeveloped countries, technical assistance for economic development, and an expanded cooperative program of technical assistance for economic development through the United Nations and its specialized agencies. The first resolution refers to the expanded technical assistance program providing, among other things, for a technical assistance conference and for a special account by the Secretary-General for economic development. The second resolution provides for increased expenditures in 1950 for the United Nations current program; another resolution refers to financing of economic development, and the final one concerns the influence of international economic and commercial policy on economic development.

#### Social Committee

*Refugees.*—The Committee, on November 4, began detailed discussion of the problem of refugees and stateless persons. The Secretary-General has submitted a report which deals with possible plans for the protection of those persons after the International Refugee Organization ceases its operation January 1, 1951. He suggests the establishment of a High Commissioner under United Nations control and proposes tasks for the future refugee service in the field of legal protection. He does not at the present stage deal substantively with the question of possible material assistance.

## THE RECORD OF THE WEEK

### The U.S. as an Importer in World Economy

by Secretary Acheson<sup>1</sup>

Several speakers have already addressed this convention on the theme that the United States must increase its imports. Mr. Gordon, Mr. Foster, Mr. Arey, and Sir Sydney Caine all developed aspects of this theme in your opening sessions on Monday. Doubtless other speakers elaborated it yesterday, but I have not had an opportunity to read the reports.

This change in emphasis is very interesting to me. We have talked a great deal in the past few years about what other countries could do for their recovery and about what we could do to assist that recovery. Now we have a large measure of recovery of production abroad, and we are going to confront increasingly the old familiar problems of trade and payments.

Everyone knows, without discussion, that the decisions and actions of the United States will largely determine whether these problems are going to find a satisfactory solution. And so tonight, even at the risk of some repetition, I want to discuss the role of the United States in the world economy as an importer, a role which you play daily as traders.

#### Our Balance-of-Payments Difficulties

The first clear fact of our present economic life that I want to state is that the United States has a serious balance-of-payments problem.

I am sure that all of you here tonight are acquainted with the figures of the past year. You know that in 1948 we exported about 13 billion dollars' worth of goods. We imported about 7 billion dollars' worth. The excess of our exports over imports, this dollar gap which we have heard

so much about, is thus of the order of 6 billion dollars.

You know that this is not a new condition.

A chart in my office shows United States exports and imports of goods and services from 1914 through 1948. During that period there has not been a single year in which we have had an import surplus. The total export surplus has mounted up, year by year, to a total just over 100 billion dollars.

Another chart shows how this was paid for. One-sixth of it was paid for by gold imports, which we purchased and stored in the ground at Fort Knox. Another sixth was financed privately, by remittances, investments, and other capital movements. The rest, or two-thirds, represents United States Government grants and loans.

Now we have heard a tremendous lot in the past months and years about the balance-of-payments difficulties of other countries and about our own "favorable" balance of trade. I get impatient with this talk about our "favorable" trade balance.

The bald fact is, though many people don't seem to realize it, that we are in real balance-of-payments difficulties. We have been for a long time. I don't see anything "favorable" about the condition I have just described, and I don't see any "balance" in it.

During and immediately after World War I the needs of our allies required us to export more than we imported, and we financed the excess chiefly by loans. We kept right on exporting more than we imported all during the twenties and thirties, instead of accepting the imports by which alone we could have been repaid.

Again, of necessity, during and after World War II we greatly expanded our production and supplied a vast excess of exports to our allies to

<sup>1</sup> An address delivered before the convention of the National Foreign Trade Council in New York, N.Y. on Nov. 2, 1949, and released to the press on the same date. This address will be reprinted as a separate Department of State publication.

support their war and recovery efforts. We financed this in large part through gifts, for example, lend-lease, UNRRA, and the European Recovery Program, which will not have to be repaid, and in part we financed this excess by loans repayable in the future.

It has been fortunate for the world and for us that America's ability to produce was so great that in times of emergency we could permit vast export surpluses. They have served objectives of major national importance. They have not been to our advantage as consumers—for they have reduced the supply of goods which would otherwise have been available to us for consumption. Nor have these export surpluses been to our advantage as taxpayers—for they have necessarily been financed by direct taxation and by government borrowings, the interest on which must come from taxes.

But they have been to our advantage as citizens, for we have learned that the recovery and prosperity of other countries are essential to our national security and prosperity. The question is, what are we going to do about our balance of payments in the future?

I am not for a moment overlooking the many things which other countries must do to help close the gap. Mr. Hoffman spoke to the Council of the Organization for European Economic Cooperation on Monday about some of the measures which we think the European countries need to take to improve their competitive ability and to go forward to new achievements from the high levels of recovery they have reached.

Mr. Hoffman and I see their problems in the same way. The European countries must rise to the needs of the present and future. But allowing for all the progress which can be made by them and other countries, there will still be a large gap to close by increasing our imports.

So, if we hope for effective action on their part, we must ask ourselves what are the courses of action open to us?

#### **Courses of Action Open to Us**

In the first place, some countries will probably continue to need our assistance for some years. They will need it so badly and so urgently that I believe we will continue to provide assistance for reasons of our own national interest as well as needs abroad. However, I also believe that we must use this instrument of foreign policy carefully and within the capacity of our resources.

Secondly, I expect that for many years American businessmen will find attractive opportunities for investment abroad. It is a part of the Government's responsibility to do what it can, in cooperation with other governments, to create conditions in which political and other extraordinary

risks will not deter investments which on solely economic grounds are promising. To the extent that there is a net outflow of private investment funds, other countries will be enabled to purchase more in this market than they sell.

Thirdly, we might reduce our exports. Some of our exports, it is true, have been abnormal and will be reduced as production recovers abroad. To some extent this has already happened. But if we cut our exports deeply, below the levels needed for the most effective operation of our industries, we shall be doing damage to some of the very industries in which we are most efficient and on which our economic strength importantly depends. This, therefore, is not a sensible alternative for us to adopt.

Finally, we can increase our imports, and allow other countries to pay for a greatly increased portion of our exports to them. It is to this alternative that I want to direct your attention tonight.

For some curious reason, this solution, which seems like a very sensible one, hasn't been very acceptable up to date. For a variety of reasons and in a variety of ways, we have over the past years made it difficult for people to pay us for the goods that we would like to sell them.

Nevertheless, the lesson in national arithmetic is beginning to sink in. There has developed an encouraging and increasing awareness of the good sense and, in fact, the absolute necessity of the United States making it possible for others to pay us for what we sell them.

#### **Principle Versus Practice**

But there is a vast difference between accepting the idea that we should increase imports into the United States and taking the practical concrete steps that are necessary to increase them. So that we may all have a clearer understanding of what these steps are, let us consider the order of magnitude of the problem and some of the obstacles which stand in the way of our getting increased imports.

I do not wish to speculate on the part the first three alternatives—continued assistance programs, private investment, and reduction of our exports—will play, but it will be a declining part. The major emphasis must in the long run fall on the fourth alternative—increased imports into the United States.

I would like to put the dimensions of this task in the right perspective. At first sight, it perhaps seems idle to think of increasing our imports by several billion dollars.

But in 1925 and in 1926 we devoted almost 6 percent of our national income to imports. In 1929 we devoted 5 percent of our national income to imports. In those years we approached a balance and at a high level of trade. If we devoted this same percentage of our current national income to the same purpose, it would mean imports of about 12 billion dollars—or almost a doubling



of our present imports and a solution of our problems.

In 1937 the Marshall Plan countries and their dependencies sold us goods and services amounting to 2 percent of our gross national product. In 1948 they sold us only 1.2 percent. The difference in that eight-tenths of one percent is about 2 billion dollars.

So, you see, there have been periods when we have come near to a real balance of trade. I think that we all need to keep that fact in mind when people say that any large increase in imports is out of the question.

Some people will say that in the meantime we have developed our own production of many things we used to import. That is true, but it is also true that we as a nation can increase our consumption of such products, both domestic and imported, if the price is right and if there is reasonable access to our markets.

Meanwhile, during the war and postwar periods we have consumed quantities of domestic raw materials. We are not yet a "have-not" nation, but in the interest of conservation and security and good business, we should increase greatly our import of many raw materials and primary products.

A large part of our demand is for commodities such as coffee, sugar, and other staples, which we are now buying in about as large quantities as can reasonably be expected. That means that we would need a greater relative expansion of imports of other goods and services for which demand can be increased. It will not, of course, be easy to expand our imports in the amounts that are likely to be desirable and necessary.

There are those who say we cannot balance our trade at the present level of exports. But it is worth trying. And it is worth trying hard.

Now, having looked at the size of the problem, let us see some of the more specific obstacles that stand in the way of its solution; things about which you and I can do something.

### **Fear as an Obstacle to Imports**

The first and perhaps the most important obstacle to imports is fear—fear both here and abroad, working in each case against an increase in our imports.

Manufacturers, producers and exporters abroad look at the extraordinary productive capacity and the amazing productive skill of the United States and of the American people. They see that we here in this country can produce more effectively and with greater skill than almost any other country in the world. They are afraid that they cannot compete effectively in this market. And so they do not really try.

This is a problem for the other countries. They

must overcome their fears and meet this obstacle by more efficient production, more skillful management, and more intelligent merchandising methods. In keeping with our whole American tradition of competition, we should not be afraid to see them try to do it. We should encourage them and help them in the effort.

But in this country also there is fear. As you read the hearings before Congress on the trade agreements legislation; as you read the letters which come to the Government about the administration of the trade agreements program, the motif that runs consistently through a large part of them is fear. Fear that to bring into this country a larger volume of things that people in this country want at prices they can afford to pay will be harmful, not beneficial. Fear that if more imports come in, someone in the United States is going to be hurt.

Justice Holmes used to say that most human action resulted from either hope or fear. It has been characteristic of the American people that most of our policies and activities spring from hope. We have been characteristically vigorous, optimistic, forward looking and courageous.

We are faced with perhaps the most important and one of the most difficult problems in human history: the creation of a politically and economically sound community of free nations.

But anyone who read the newspapers during the recent debate about our tariff policy would find that the major part of the discussion was directed to two simple words—"peril-points", and that these peril-points concerned whether a certain number or value of particular products should be admitted to this country.

There are "peril-points" as far as this country is concerned. But they do not have to do with shipments of individual products. One of them lies in the field of military security. Another is the possible economic distress of Western Europe and the American hemisphere. These are the kind of peril-points to which we should be directing our attention.

### **The Tariff**

A familiar obstacle to imports is, of course, the tariff. Over the past 15 years we have made considerable progress in bringing our tariff rates down from the Smoot-Hawley Tariff Act of 1930. But there is still much that can be done. And we propose to do it, within the authority and according to the tested procedures of our Trade Agreements Act.

In this task we must overcome the fears of which I have spoken, and the natural reluctance of those who have long enjoyed a specially favored position to face the prospect of making adjustments and working more effectively, or even differently. But adjustments are being made every day all over this country to new competitive forces in the domestic market place, and adjustments to

the competition of increased imports are no different in kind.

Our producers have for the past few years enjoyed a protection over and above the tariff wall through the fact that many foreign exchange rates have been kept at artificially high levels in terms of the dollar. Now, over a wide area, these rates have been changed and this artificial protection has been lessened or removed. The cry goes up from some in this country that we must post-haste raise our tariff barriers to meet this "unfair" competition.

When foreign supplies were cut off by the war, American producers came in to fill needs of the American people which were normally supplied from abroad. Now the foreign producers are beginning to produce again and want to send us the goods that they used to send us. This means competition for the American products which supplied the lack created by the abnormal wartime situation. And there are pressures upon the Administration and the Congress to keep these foreign exporters even from coming back on a fair competitive basis into the markets which they traditionally held and which, had it not been for the war, they would have had an opportunity to maintain.

These pressures are strong. They will continue and probably increase. If there is any slackening in United States business activity, they will greatly increase. And unless the American public understands that the effect of yielding to these pressures will be to wreck our chances of curing this fundamental ill from which we are suffering, the pressures cannot be withstood and our balance-of-payments problem, so costly for the taxpayer, will remain unsolved.

For you see, imports are such a convenient scapegoat. They can be blamed with relative impunity for a variety of troubles that arise from other causes. There is usually no one there to defend them.

Domestic production of a product may decline because of a change in style, or because a new product has been developed domestically which competes effectively with the old one, or even perhaps because exports have declined. Yet the natural first instinct is to blame the troubles on imports and to try to get at least a temporary relief from those troubles by limitation of imports.

#### Customs Procedures

Then we have our customs procedures. I suppose every one of you has at one time or another experienced the apparently inevitable frustrations of dealing with the customs, whether here or abroad. Part of this, as far as we are concerned, is due to the fact that many of our customs regulations are contained in the Tariff Act of 1930,

which, as you know, was a highly protective instrument, and which has not yet been revised in this respect in over 10 years.

Under present laws and procedures, it sometimes takes as long as 3 or 5 years before an importer knows exactly what amount of duty he will be required to pay on a given shipment. Sometimes the duty may, after that lapse of years, amount to more than the whole amount of the shipment.

An importer can't be sure whether a tire is going to be classified as a tire or an article in part of carbon. He can't be sure whether one of those little pianos you see in nightclubs is going to be considered a musical instrument or a toy.

In order to get in gloves trimmed with bird feathers to meet a sudden feminine fancy in this country, he has to prove that the birds from which the feathers came were tame, not wild, a process which turns out to be very time consuming.

It has even been suggested, although I shall not guarantee the veracity of this statement, that there is some question whether a coffin containing a corpse should be dutiable as an article of merchandise or considered as the "usual container" of its contents and hence be free of duty.

One could multiply these illustrations, but the total effect is at present very restrictive on trade.

I am happy to say that this problem is being vigorously attacked. Secretary Snyder is taking a personal interest in improving and simplifying those aspects of customs administration which lie within the Administrative authority. Real progress has already been made.

When the charter for the International Trade Organization is adopted, as I hope it will be early next session of Congress, its provisions will require substantial changes in some of our customs legislation, which will simplify and facilitate the processes of importation.

#### Other Regulations

Then we have a whole series of regulations which have as their purpose the protection of the public against deception in labeling or against impure and unsanitary foods and drugs. These regulations, for the most part, have good reasons behind them. However, many of them, either because of outmoded legislation or long-established practices which have not been recently re-examined, have a highly protective effect.

To describe any of these cases accurately I would have to be very technical. But here, in layman's language, is the effect of one of them.

Our regulations, in effect, require that the ordinary can of mushrooms must have 16 ounces of mushrooms in it. The French produce canned mushrooms and want to send them to this country. But because of the way in which their whole production line is set up, they have only about 15 ounces of mushrooms in a can. They state this fact clearly in the labels. Nevertheless, under present requirements we cannot admit into this

country any can of mushrooms which doesn't contain exactly the required weight of mushrooms.

These again are problems to which we are earnestly addressing ourselves.

### **Agricultural Surpluses**

Another important series of obstacles is created by the existence of our agricultural surpluses, and by the fact that our agricultural price-support systems are so established that in some cases they require limitations upon imports.

### **"Buy American" Laws**

Our Federal, and many of our state and local governments, which spend about 10 billion dollars a year for supplies, materials and equipment, are required to "Buy American."

The Federal Government, for example, is prohibited from buying foreign materials, or commodities manufactured from foreign materials, unless these materials are not available in the United States, or unless the prices of corresponding domestic items are "unreasonable." "Unreasonable" is usually interpreted as meaning 25 percent more expensive, duty included in computing the 25 percent.

It would help if these agencies could buy somewhat more freely from abroad.

### **Shipping Laws**

We have laws and regulations which compel us in many cases to tell the citizens of friendly nations when they offer to carry our goods for us across the seas that we must not employ them because we are obligated to use our own vessels regardless of the quality of service and rate of charge which they may offer us.

I give these illustrations not in a critical sense, but simply to call your attention to the fact that in all these apparently unrelated ways, and in many others, obstacles are being interposed to achievement of this objective of increased imports which we all accept.

And it is important, whenever we encounter examples of each of these particular phenomena, to relate them to our over-all objective and to consider their effect upon that objective; to recognize the validity of that age-old principle that little drops of water can wear away a stone and, conversely, the principle of the homeopaths that repeated little doses of medicine can cure even a malignant disease.

### **Conclusion**

We have made a good start on the economic problems that confront us. Where it has been pos-

sible, we have worked through the specialized agencies of the United Nations. In other cases, more limited groups of nations have worked together on common problems. There are many examples of this effort, but I want to call your especial attention to two of them.

First, under the General Agreement on Tariffs and Trade we have negotiated the most comprehensive downward tariff readjustments in history. The most recent was at Annecy this summer, where the 23 nations originally parties to the General Agreement met with 10 other major trading nations of the world. Congress has renewed for the sixth time, this time without amendment, the Trade Agreements Act.

The President has said that he intends to press forward with further negotiations to make the General Agreement, now embracing over 30 nations, an even more effective instrument.

Second, we did not embark upon competitive use of protective quotas and preferential arrangements and other forms of economic warfare. Instead, we got the best brains of the various nations together around the conference table to work out an agreed set of principles, the charter of the International Trade Organization, to govern the conduct of international trade. The organization itself would help to make those principles effective and provide a forum in which the nations of the world could resolve their economic differences.

When this charter is adopted, as I hope it will be early next session of Congress, its provisions will place our foreign trade policy on a more solid footing than we have been able to achieve through the series of temporary reenactments of the Trade Agreements Act.

These are good starts. But in a sense we have covered the easiest part of the road. In times of crisis, needs are recognized and attention and intelligence can be concentrated on the things which most immediately require doing. The test of our wills and wisdom will perhaps be most severe when the challenge seems less, when the exciting war and postwar tasks are followed by more prosaic ones. It will perhaps be less easy then to discern the needs of the day and to concert our actions when we have discerned them.

The key to continued forward movement lies with us. We have looked tonight at just one of the many things that need to be done. But it is a very important one; without it I do not see how the free world structure which we have been building can have a solid economic base. For it is nothing less than finding the solution to our balance-of-payments problem through our role as an importer in the world economy. We cannot start too soon to work out that solution.

In conclusion, I would like to leave with you three simple thoughts which seem to me to provide, if correctly applied, the means to overcome the obstacles to increased imports.

The first thought is this: that for the United States, just as for so many other countries, our



basic problem in the field of foreign economic relations is that we are in serious balance-of-payments difficulties. We have an unfavorable balance of trade, unfavorable to the taxpayer and unfavorable to the consumer. It is in the long run a manageable problem, in terms of the magnitudes with which we as a people are accustomed to deal.

The second thought is this: that the solution of this problem is not a simple, single solution. Nor will it come swiftly. It is rather to be found in continuous action along many different lines and in many different fields; in the cumulative effect of a myriad of small actions rather than in any dramatic single measure.

That is why the solution is difficult. Because the campaign will be long, and so often each of the single skirmishes that must be fought and refought to gain a victory in the great campaign doesn't seem important enough to inspire the affirmative attack or the strong and effective defense

which may be required. But it is the art of a great general and the test of a good army to develop staying power and see the importance of all the engagements in the light of the grand strategy and the main objective of the campaign. If we lose all the skirmishes, we are likely also in the end to lose the war.

The third and final thought is this: It is fundamental to a solution of this problem that we have a basic change in our traditional attitude of mind. We must become really import-minded. We must want to devote our time and energy to discovering and bringing in imports.

For it will be of little avail for the Government drastically to reduce the barriers we have been discussing, or for other countries greatly to expand their production for export, if the businessmen and people of this country do not really "go after" imports in the good American way.

By and large, people get what they want. If the American people really want imports, imports will come. It's common sense for us to want them and go after them.

## Indonesians Accorded Full Independence

### CONFERENCE AT THE HAGUE ADJOURNS

#### STATEMENT BY SECRETARY ACHESON

[Released to the press November 3]

Upon this most auspicious occasion, the successful termination of the round-table conference at The Hague, this government wishes to congratulate the Netherlands and Indonesian representatives on the high statesmanship which both have exhibited in the course of the Conference. The conferees, in finding a settlement of those differences, both political and economic, which have separated them some years, have accorded the Indonesian people full independence and sovereignty, at the same time preserving interests of the Netherlands in the Indonesian Archipelago which are legitimate and just. The new and sovereign Republic of United Indonesia is to join the Netherlands in the Netherlands-Indonesian Union, a voluntary association of equal partners, thus offering the world a bright prospect for practical collaboration between East and West. It is the firm expectation of this Government that the agreements reached at the Conference will mark a renewed growth of Dutch-Indonesian friendship and cooperation, which in our opinion will surely further the welfare of both nations.

By its courageous action against a subversive

Communist movement last September, the Indonesian Republic has demonstrated its genuine nationalist character. The Indonesian Federalists have joined with the Indonesian Republic in compounding a genuine all-Indonesian nationalist position at The Hague Conference. The Government of the Netherlands, under whose auspices the round-table conference has been held, has during the course of negotiations demonstrated full fidelity to its principle of independence for Indonesia and faith in the integrity of the new state.

The dispute has been before the Security Council since July 1947. The United Nations Good Offices Committee, the name of which was subsequently changed to United Nations Commission for Indonesia, was formed through the selection of Belgium by the Netherlands, of Australia by the Indonesian Republic, and the selection by Australia and Belgium of the United States as the third member. The United States' contribution to the solution of the Indonesian problem has been made through the discharge of its responsibility as a member of the United Nations Commission for Indonesia.

Negotiations, under the auspices of the Committee of Good Offices, which were suspended in 1948, were resumed on April 14, 1949 under the auspices

of the United Nations Commission for Indonesia which was created by the Security Council resolution of January 28, 1949. This same resolution called upon both parties for a cease fire order, for a release of all political prisoners, and for the restoration of the Republican Government at Jogjakarta, to be followed by staged withdrawals of Netherlands forces from areas occupied by them after December 18, and made several recommendations to the parties. The parties agreed on May 7 to the restoration of the Republican Government to the Residency of Jogjakarta, the issuance of a cease fire, the release of Republican prisoners by the Dutch, and the holding of a conference at The Hague leading to a definitive political settlement.

The new Republic of United Indonesia will be faced with great tasks and must assume heavy responsibilities. It can count upon the sympathy and support of all who believe in democracy and the right of self-government. For its part, the United States Government is engaged in study of ways and means by which it may be of assistance, should such assistance be requested.

The United States will be gratified to welcome into the community of free nations the United Republic of Indonesia and looks forward to Indonesia's membership in the United Nations which the Netherlands has undertaken to propose. With their record of genuine nationalism, the Indonesian people may be expected successfully to resist all efforts of aggressive foreign dictatorships to subvert their newly won independence.

#### STATEMENT BY SENATOR FRANK P. GRAHAM<sup>1</sup>

[Released to the press November 3]

The two great peoples of the Netherlands and Indonesia, their devoted representatives at The Hague Conference, the able and faithful members of the United Nations Commission of Good Offices, and the United Nations, as the world's agency of peace, are all to be congratulated by the peoples of all nations on working out this historic settlement of the four-year dispute.

From reports, it is assured, that the main principles of the Linggadjati Agreement and the eighteen principles of the Renville Agreement with their implementation in the du Bois-Critchley plan and the Cochran plan, with modifications and additions freely negotiated at The Hague, have been substantially integrated and further implemented in The Hague Agreement. This integrated agreement provides for the national sov-

<sup>1</sup> Senator Graham was formerly the U.S. Member of the United Nations Good Offices Committee for Indonesia from Oct. 1947 to Feb. 1948. Coert du Bois replaced him from Feb. 1948 to Aug. 1948; and Merle Cochran, the present U.S. member, replaced, in turn, Mr. du Bois.

ereignty and independence of the Republic of United Indonesia; the self-determination of the Indonesian people through civil liberties, free elections, safeguards for minorities and property; a constituent assembly as both an interim legislature and a constitutional convention for framing the basic principles of the independent federal Republic of United Indonesia; and the statute for the Union of the Kingdom of the Netherlands and the Republic of United Indonesia for cooperation in their larger common interests as a new commonwealth of nations, with both nations to be independent members of the United Nations.

By this agreement the two peoples have vindicated their separate victories over the extremes of the new totalitarian communism and the old historic imperialism. In the words of the great and gracious Queen Wilhelmina made true in the words of her most worthy daughter, Queen Juliana, "colonialism is dead." In this settlement the people of the Netherlands and the people of Indonesia by the self-determination of free peoples, have, under God, a rendezvous with a larger destiny of creative cooperation in a time and in a world desperately in need of the best which these two great peoples can give together. By the example of the historic Hague Agreement between the people of the Netherlands and the people of Indonesia, the peoples of the West and the East will find a new meeting place in the United Nations as a forum and hope for freedom and peace in the world.

May the people of Indonesia, where there was a great civilization before western men discovered America, and may the people of the Netherlands, a little land but a great people, rise to the greatness of their opportunity, so that all the peoples of the earth in looking today to the East, whence came the great religions of the world, will lift their eyes in prayers towards the morning of their hopes for a freer and better world.

#### Negotiations Begin With Atlantic Pact Countries on Military Aid

[Released to the press November 3]

The Department of State today is starting negotiations on bilateral agreements under the Mutual Defense Assistance Act of 1949, with Atlantic pact countries scheduled to receive military aid.

The conclusion of these agreements prior to the furnishing of any assistance under the act is required by legislation authorizing such aid.

Identical proposed draft agreements are being submitted today to the diplomatic missions in Washington of the following nations: the Netherlands, Belgium, Luxembourg, Italy, the United Kingdom, Denmark, France, and Norway.

It is contemplated that the negotiations will be handled with the diplomatic missions in Washington of the nations involved and will not require any special personnel from abroad.

In transmitting the proposed draft agreements, Department of State representatives stressed the importance of speed in obtaining final agreement in order that provision of military assistance may proceed without delay.

Texts of the agreements will be made public and registered with the United Nations after signatures are affixed.

### **U.S. To Participate in Haitian Bicentennial Exposition**

*[Released to the press October 31]*

This week the United States Ambassador to Haiti, William E. DeCourcy, will preside at a ceremony to break the first ground for the United States Pavilion at the Exposition at Port-au-Prince, Haiti, which will commemorate the two-hundredth anniversary of the founding of that city. President Estime of Haiti and foreign ambassadors and ministers and leading Haitian officials are expected to take part in the ceremony.

The United States Pavilion will be erected on a site which has been presented to the United States by the Haitian Government. After the close of the Exposition, this building, which affords sufficient space for the presentation of motion pictures, lectures, and art exhibits, will be used to carry out the cultural and informational program of the United States in Haiti.

In the United States Pavilion there will be one single large exhibit relating to the parallels in the historical development of the United States and Haiti from the time of their colonial periods. In addition, there will be displays depicting accomplishments of the United States in the fields of commerce, industry, and science and including models of soil conservation projects, airports, transportation and communication facilities, and many other items.

The Exposition will be located along the water front in the center of the city on ground which has recently been reclaimed from marshland and landscaped. Most of the buildings which have already been constructed within the area are permanent in character and will house some of the Haitian Government offices after the Exposition

### **THE DEPARTMENT**

### **Lloyd V. Berkner To Survey Department's Responsibilities in International Science**

*[Released to the press November 2]*

Dr. Lloyd V. Berkner has been designated to serve as consultant to the Secretary of State.

In this capacity, he will survey the responsibilities of the Department of State in the field of international science. He will develop detailed recommendations on the most effective means of utilizing the functions and facilities of the Department for meeting the needs of United States science, and for strengthening national security to the end that the Department may fulfill adequately its role with respect to the international aspects of science.

Dr. Berkner will first undertake a study of the urgent problem of stimulating and facilitating an optimum flow of international scientific and technological information to aid in the achievement of this end. The study of other significant problems will grow out of this initial inquiry.

The survey will be organized as follows: Specific studies and formulation of detailed recommendations will be developed by the International Science Policy survey group with assistance from units in the Department and other agencies concerned with international aspects of science and technology. The survey group will consist of full-time and part-time United States Government officers, under the policy guidance of a Departmental Steering Committee composed of Assistant Secretaries of State. The Steering Committee will also review and approve for the Department the policies, procedures, and recommendations growing out of the survey prior to their final submittal to the Secretary of State. It is anticipated that general guidance and approval for American science will be given by an Advisory Committee on International Science Policy of the National Academy of Sciences.

Dr. Berkner will call upon units of the Department of State and other agencies concerned with international aspects of science and technology for such information and specialized studies as he may consider essential to the conduct of the survey.



## PUBLICATIONS

### Recent Releases

*For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.*

**United States Treaty Developments, December 1948.** (Third Release) Pub. 2851. 514 pp. \$3.50.

A loose-leaf volume of annotations on the status of treaties and agreements to which the United States is a party.

**Air Transport Services.** Treaties and Other International Acts Series 1900. Pub. 3478. 39 pp. 15¢.

Agreement between the United States and Brazil—Signed at Rio de Janeiro, September 6, 1946; entered into force October 6, 1946.

**The Territorial Papers of the United States, Vol. XIV.** Pub. 3502. 915 pp. \$2.75 a copy.

Consists of the texts, literally reproduced, of the official records of the territory of Louisiana-Missouri, 1806-14. Compiled and edited by Clarence Edwin Carter.

**Relief Supplies and Packages for Greece: Duty-Free Entry Payment of Transportation Charges.** Treaties and Other International Acts Series 1898. Pub. 3512. 27 pp. 10¢.

Agreement between the United States and Greece—Signed at Athens, February 9, 1949; entered into force February 9, 1949.

**Air Transport Services.** Treaties and Other International Acts Series 1902. Pub. 3513. 23 pp. 10¢.

Agreement and Protocol between the United States and Italy—Signed at Rome; operative from February 6, 1949; entered into force definitively September 2, 1948.

**Economic Cooperation With Luxembourg Under Public Law 472—80th Congress.** Treaties and Other International Acts Series 1903. Pub. 3514. 4 pp. 5¢.

Agreement between the United States and Luxembourg Amending Agreement of July 3, 1948—Effectuated by exchange of notes dated at Luxembourg November 17 and December 22, 1948; entered into force December 22, 1948.

**Economic Cooperation With Denmark Under Public Law 472—80th Congress.** Treaties and Other International Acts Series 1904. Pub. 3515. 2 pp. 5¢.

Agreement between the United States and Denmark Amending Agreement of June 29, 1948—Effectuated by exchange of notes signed at Copenhagen November 4 and 18, 1948; entered into force November 18, 1948.

**Naval Mission to Haiti.** Treaties and Other International Acts Series 1907. Pub. 3518. 12 pp. 5¢.

Agreement between the United States and Haiti—Signed at Washington, April 14, 1949; entered into force April 14, 1949.

**General Agreement on Tariffs and Trade.** Treaties and Other International Acts Series 1890. Pub. 3521. 32 pp. 15¢.

Between the United States and Other Governments: Protocol Modifying Part II and Article XXVI of the Agreement of October 30, 1947—Signed at Geneva September 14, 1948; entered into force December 14, 1948.

**United States Educational Foundation in the Philippines.** Treaties and Other International Acts Series 1910. Pub. 3527. 5 pp. 5¢.

Agreement between the United States and the Republic of the Philippines Amending Agreement of March 23, 1948—Effectuated by exchange of notes signed at Manila December 8 and 20, 1948; entered into force December 20, 1948.

**United States Educational Foundation in New Zealand.** Treaties and Other International Acts Series 1912. Pub. 3529. 3 pp. 5¢.

Agreement between the United States and New Zealand Amending Agreement of September 14, 1948—Effectuated by exchange of notes dated at Wellington, March 3 and 9, 1949; entered into force March 9, 1949.

**Postal Convention.** Treaties and Other International Act Series 1913. Pub. 3530. 9 pp. 10¢.

Between the United States and the Republic of the Philippines—Signed at Manila September 17, 1947 and at Washington September 30, 1947; entered into force October 1, 1947.

**Relief Supplies and Packages for Italy: Duty-Free Entry Payment of Transportation Charges.** Treaties and Other International Acts Series 1914. Pub. 3533. 7 pp. 5¢.

Agreement and Understanding between the United States and Italy—Effectuated by exchange of notes signed at Rome, November 26, 1948; entered into force November 26, 1948.

**Settlement of Certain War Accounts and Claims.** Treaties and Other International Acts Series 1920. Pub. 3541. 4 pp. 5¢.

Agreement between the United States and Austria—Signed at Vienna, June 21, 1947; entered into force June 21, 1947.

**Trading Ideas With the World.** International Information and Cultural Series 7. Pub. 3551. 88 pp. 55¢.

Report of the United States Advisory Commission on Educational Exchange, March 31, 1949, on international educational and technical exchange program.

**Third Session of the General Conference of Unesco, Beirut, Lebanon, November 17—December 11, 1948.** International Organization and Conference Series IV, United Nations Educational, Scientific and Cultural Organization 8. Pub. 3574. 132 pp. 35¢.

Report of the United States delegation with selected documents.

**Foreign Service of the United States, July 1, 1949.** Pub. 3603. 102 pp. 25¢.

A list showing classification of personnel by categories and salaries.

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## Contributors

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